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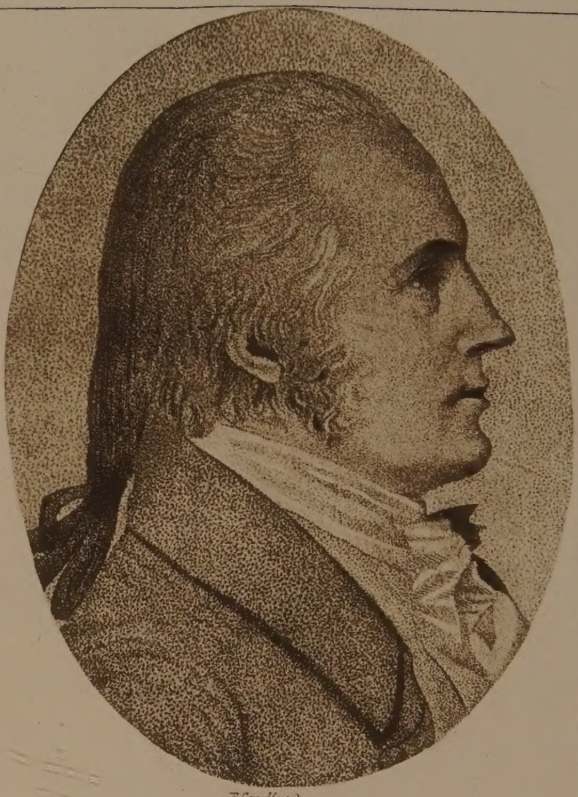

E. Gridley sc.

A. BURR, ESQ.

AARON BURR

From the engraving by Gridley, circa 1805. A very rare print.
Courtesy of the Robert Fridenberg Galleries.

AARON BURR

A BIOGRAPHY COMPILED FROM RARE, AND IN MANY CASES UNPUBLISHED, SOURCES

By

SAMUEL H. WANDELL

and

MEADE MINNIGERODE

VOLUME ONE

"I had rather not live, than not be the daughter of such a man."

THEODOSIA BURR.

With Sixty-four Illustrations

G. P. PUTNAM'S SONS

NEW YORK LONDON

The Knickerbocker Press

1925

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To

JOHN E. STILLWELL, M.D.

MAR 29 '68

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FOREWORD

THE years spent by Mr. Wandell in the accumulation of material for this biography of Aaron Burr, and the subsequent period of his collaboration with Mr. Minnigerode in its presentation, have been filled with countless instances of courtesy and willing co-operation on the part of many persons and institutions.

It would be, perhaps, impossible to record in complete detail the history of such manifold kindnesses, but some expression of gratitude, however inadequate, must be given to those who have so greatly assisted in the preparation of this work, and lightened, to such an extent, the task of its compilation. The authors extend their warmest thanks, therefore, to Mr. A. J. Beveridge and Mr. W. F. McCaleb for their interest and encouragement, and for their invaluable criticisms and suggestions; to Dr. J. E. Stillwell, for the benefit of his lifelong study of the iconography of Burr, and for the use of his unique collection, so generously placed at the disposal of the authors; to Mr. E. A. Lobb, Mr. W. B. Tufts, Dr. R. W. Reid, Mr. J. C. Tomlinson, Mrs. Henry Alloway, the late Mr. W. H. Samson, Mr. J. F.

Sabin, Mr. P. F. Madigan, Mr. J. H. Manning, Professor I. J. Cox, and the late Mr. G. D. Smith for access to their collections of letters, journals and documents; to Dr. Stewart Paton for his most helpful guidance; to Mr. Thomas E. Rush, the late Mr. Roger Foster, Dr. G. E. Weaver, the late Col. A. B. Gardiner, the late Mr. Thomas F. Smith, the late Dr. W. J. O'Sullivan, the late Mr. J. F. Tucker, the late Mr. C. F. Pidgin, the late Mr. C. B. Todd, Mr. W. C. Ford, Mr. J. E. Eastmond, Mr. Ledyard Cogswell, Jr., Mr. H. H. Kohn, Captain F. L. Pleadwell, U. S. N., Mr. Robert Ewing, Miss Mary Demoville, Mr. Warren Wood, Mr. Henry Collins Brown, Mrs. G. W. Smith, Dr. J. A. Cutter, Mr. F. R. Hart, Mr. Benjamin Franklin, Mr. E. A. Hill, Mr. Abraham Wakeman, Mr. C. W. Bowen, Miss Lucile J. Perry, Miss Grace J. Perry, Mr. F. C. Case, Mr. W. E. Beard, Mr. E. K. Morse, Mrs. W. W. Williams, Miss M. E. Park, Professor Edwards A. Park, Professor Chalfant Robinson, Mrs. Gertrude Atherton, Miss Judith Stuyvesant, Mr. George Vivian, Mr. W. H. Shelton, Captain J. H. Bonneville, Mr. C. H. Towne, Mr. Willis Holly, Mr. Alexander Gilchrist, Jr., Mr. Walter Jennings, Miss Annie Burr Jennings, Mrs. H. R. Watkins, Mr. William H. Edwards, Mr. F. L. Briarly, Mr. James F. Egan, and Mr. Robert Adamson, for their gracious response to a variety of requests, and for many favors; to the authorities of the New York County Lawyers Association, the Library of Congress, the Brooklyn Public Library, the Boston Athenæum Library, the New York Public Library, the Princeton University Library, the Yale University Library, the Society

Library of New York, the Library of the New York Academy of Medicine, the Washington Association of New Jersey, the New York Historical Society, the New Jersey Historical Society, the Tennessee Historical Society, the New York Genealogical and Biographical Society, Columbia University, Haverford College, the Andover Theological Seminary, the Daughters of the American Revolution, the Society of the Sons of the Revolution, the Tammany Society, the New York County Clerk's Office, the New York County Surrogate's Court, the Anderson Galleries, and the Robert Fridenberg Galleries.

And while due acknowledgment thereof has been made elsewhere, the authors feel compelled to emphasize their great obligation to three gentlemen, without the fruit of whose previous labors any attempt to discuss Aaron Burr and his times would present unlimited difficulties, and encounter the most disheartening obstacles. To Mr. Henry Adams and his *History of the United States*, for the wealth of material contained within its pages gathered by him from the French, Spanish and British archives; to Mr. W. F. McCaleb, whose volume entitled *The Aaron Burr Conspiracy* must ever remain the standard guide to any examination of that gigantic enterprise; and to Mr. A. J. Beveridge for the richly furnished account of the trial of Aaron Burr, at Richmond, provided by him in Volume III of *The Life of John Marshall*. Without these books constantly before them, and continually consulted, the authors of the present biography could not have presumed to approach the episodes which they describe.

Mention has been made in the Bibliography of a considerable number of documents consulted, which, to the best knowledge of the authors, have never before been published. Aside from the letters of Aaron Burr, of his parents, of his wife, and of Alexander Hamilton, the most interesting, perhaps, are the manuscript journal kept by Matthias Ogden during Colonel Arnold's march to Quebec in 1775, published through the courtesy of the Washington Association of New Jersey; and the manuscript diary of Esther Edwards Burr, the mother of Aaron Burr, quotations from which are made possible through the courtesy of the Yale University Library and the Yale University Press. It is interesting to note that this is the original manuscript, seen some twenty years ago by the Rev. J. E. Rankin, and paraphrased so felicitously by him in the little publication which he called *Esther Burr's Journal.*

And this foreword would not be complete without a grateful reference to a very patient lady, Mrs. Samuel H. Wandell. . . .

S. H. W.
M. M.

June 1, 1925.

INTRODUCTION

THERE is in American history but one Aaron Burr. He was at once man-of-the-world, student, madman, schemer, diplomat, leader! What with the conflicting elements in his character, the political and personal embroglios into which he was precipitated, it is little surprising that he should up to this day have found, on the one hand, only apologists, and on the other but vilifiers. We have waited long for the publication of a dispassionate study of the man in relationship to his times.

The writer takes it as a compliment to have been invited to contribute the Introduction to this biography. Mr. Wandell, for a score of years, dedicated himself to the work of drawing from nook and cranny every scrap of evidence bearing on the life of Burr; and is deserving of high praise for his devotion to the subject. And just at the stroke of twelve, Mr. Minnigerode, as though by High Command, appeared as collaborator.

Biographers are historians, if they are anything. Most of them are negligible, because they are either innocent or innocuous. As for the rest, they are to be ignored for the most part, since they have little to say and say less than they might. A few there are that

really count, as for example Beveridge in his *Life of John Marshall*, where the man is made to live in his day and generation. Another sort there is too that counts, but for evil, such as Davis in his *Memoirs of Aaron Burr*. Here is a perfidious biographer par excellence. What could be more diabolical than deliberately to lie about a dead friend to please the public?

It is out of the better sort of biography that history will come to be written, for biography is the principal element of history. A composite study of the lives of men in any given period, if written in the verities, would give us true history. But we shall have no true history ever—at least not until the millennium—since we cannot divorce ourselves from the human frailty of praising friends who should be damned and of damning enemies who should be praised. And what is of far greater moment, we scan the lives of a few and try to read through them the composite record—and failure can but be the result. That unhappy sign is on all the histories from Herodotus to Turner. Our history, too, has been cursed from the first with provincialism. The composite picture which would give us a correct reflection of the whole, has nowhere been constructed. So far as our own history is concerned, perhaps this is partially explained by the fact that most of the workmen engaged in history-building have followed a particular school which, in the last analysis, means that from colonial days down through the daguerreotype age into the present day of photogravure, they have insisted on fixing in their galleries only such faces as they found to fit into their scheme of things. Obvi-

ously, their efforts have been circumscribed and their results defective. How could it be otherwise?

The worst of it is that to these galleries alone have our children had access. Accordingly, the views they hold are distorted, mean and jaundiced. It is just as easy to create in the mind of a child a false picture as it is to fix in it a right one. And it is difficult to effect exchanges later in life, for some of these pictures are swung high on the walls out of reach. For example, if I may be pardoned, I had attained my junior year in college without ever so much as questioning the fact of Burr's treason. Nobody did. The books set it down. I was as sure of it as our historians could make me with their handicraft in the galleries! But suddenly one day—I shall not forget it—a true picture swung into place and Burr was no longer a traitor! But even today, with all the evidence available, a few die-hard disciples of the old school mope and growl, and point to the dusty pictures with regret at their eclipse.

The life of a man, as that of a state, can truthfully be written only when all the facts are carefully appraised and those facts fitted into the frame of the times. It takes a clear eye and a keen ear, and a delicate faculty for weighing and adjusting details, to make a good biographer or historian. And over and above these qualifications, there should be genius, which has its springs in the nebulous regions of the Soul. Even then, as I have somewhere written:

"History is after all but a fascinating show, seen by no two men alike. At its worst it is a shifting train of illusions. At its best it reveals itself only in hazy pictures trailing some whither across the screen of time."

It was a quiet little world into which Aaron Burr was born on February 6, 1756, and how contrasted with the turbulent one into which he was presently to emerge. His birth was attended by no miraculous shooting of stars or other divine demonstration of indulgence. He was just plain Aaron Burr, named after his father, an eminent divine and teacher, who was presently to go from a pastorate in Newark, New Jersey, to the presidency of Princeton College.

Aaron Burr, the father, was an excellent and able man, but destined at forty-two to be taken off with a fever. And, as though the Fates were early at their conspiracies, a few months later, Esther, the mother, daughter of Jonathan Edwards, followed her adored husband across the sundown slope. Two little orphans were left, Sarah and Aaron. They came at length to live in the household of Timothy Edwards, where they were reared, perhaps, with not too much kindliness.

Aaron probably wore his swaddling cloths like most babies; it was only when he got into knee breeches and bounded off to school that he demonstrated his superiority. When he graduated from Princeton he was but sixteen. Already, however, he had shown to those with whom he had come in contact that he was of a superior mould. With a mind that functioned almost automatically, with his perceptions keen as a lance, he entered the precincts of the world armed for its conquest.

For two or three years Burr loafed and studied and flirted as youth will; had it out with his people who expected him to adopt the Church, in keeping with the family tradition; chose the Law instead and em-

barked on its study, little witting that its pursuit would eventually lead him into politics, and politics to his doom!

When the foremost winds of the Revolution whipped across the land, Burr was one of the first to espouse the cause of the colonies, and when the conflict broke he was early found in the camp before Boston. He went with the American Army of invasion into Canada and came back with citations for valor; he became an officer and for a time commanded the lines above New York City. At length he retired from the Army, married and embarked on his life's work—the Law.

It was a love marriage, that of Aaron Burr and Theodosia Prevost; and when Theodosia, the daughter, came Burr's polar star was fixed. The love of Burr for his Theodosia raises him high above the ranks of ordinary mortals, who too often bring children into the world and loose them to return to the Infinite, perhaps the poorer for their earthly pilgrimage. Burr's married life with Theodosia Prevost was admirable in the last degree, measured in human terms; and her death was a catastrophe, the import of which, as affecting his life, there is none can appraise. Certain it is that the old Burr went into the grave with her and the Burr that remained behind?—well, you shall see for yourself.

In 1800, six years after his wife's death, Burr's political troubles began in earnest. Then it was he came to issues with Jefferson, when, quite unexpectedly, the two were tied in the Electoral College for the office of President of the United States. Had Burr been a trickster he might easily have been chosen

Chief Executive; but he was playing the game squarely. However, he did not save himself from the jealous, suspicious Jefferson, who at once saw that he had to reckon with a leader of men, and from that day forward Burr was marked for destruction. No measure or opportunity was to be overlooked, and so to the end was Burr trailed by a pack of hounds yelping lies and digging up bones the gossips had buried, rotten bones of defamation and treachery.

Jefferson, with all his genius, had in his makeup a cankerous taint which was vented in his double-crossing and persecution of Burr. Sad and depressing spectacle. The duel with Hamilton was indirectly the outcome of the President's hostility, for Burr realized that he could maintain himself in the party only through the backing of the great State of New York—and to keep that backing meant that Hamilton must cease his lying attacks. And to silence Hamilton? It took a pistol shot, and the story of that encounter has been written all over our history. Possibly no single event has been so exaggerated, and certainly the dwarfed figure of Hamilton has been stretched until the canvas has cracked and torn. Presently we shall have a new portrait of him. I wonder whether we shall be able to recognize the man in his new frame?

The climax of Jefferson's persecution was reached in the trial of Burr for treason, one of the most deliberate, cold-blooded prosecutions that history records. The President left nothing undone to convict Burr. He pardoned some of the accused; he bribed Eaton, a plain liar, with public funds; and saved Wilkinson, a dastardly wretch, from public condem-

nation—all to no avail. The results of that trial might be offered as a biting corollary to the Bill of Rights, which Jefferson himself is credited with writing—a choice bit of irony out of the ages.

In the life of Burr the episode known as the Conspiracy stands pre-eminent. Our history holds none other to match it in mazy colors and puzzling combinations. It was a movement in its evolution as logical as any fact of our times, but for a century, because of coils and cross-currents, subterfuges and deceptions, it fell a confused picture upon the Page. And its clarification? We shall leave our biographers to tell of it. I should like to say, however, emphasizing the futility of mere human effort, that we should be cocksure of no event whatsoever. There is no such thing as finality in our House of History. For example, for a hundred years Burr was regarded as a traitor. It is not difficult to explain this unwavering adherence to tradition, if one bethinks him how slow is Time to reconstruct her designs. Nor is the operation of human faculties and perceptions any less slow to reshape, to retouch the pictures that line the cave-like galleries wherein is sketched the story of the race.

When Burr had escaped with his life from the trial for treason at Richmond, he found himself little better than an outcast, one dogged by poverty and by Jefferson's sleuths. No wonder the door blew open a bit from all the winds that pressed upon it. He fled, as many another, to other scenes and endeavored to work out his fortunes as best he might. The story of his sojourn in Europe has in it all possible aspects of a soul that drifted without attachment on the sea

of life. What wonder that it encountered every variety of human flotsam and jetsam, eternally floating, floating no whither; and that out of those contacts come contaminations and bedlam-like maunderings and sickness of the soul. To clean his cluttered mind of it he wrote it out in his letters, mostly to Theodosia. Perhaps it was this that saved him from the madhouse, upon whose steps on occasion he found himself. But of this I shall write no more.

Desperate as had been his life abroad, when Burr ventured to return the last stroke of Fate awaited him. The one tie which had everlastingly held him to the earth was broken forever when Theodosia, shipping from Georgetown to meet him in New York, never came home from sea. After that Burr existed as things exist that have no way to tear themselves out of life. For more than a score of years longer he floated about New York, making front as best he might—now up, now down; befriended, maligned; respected, feared; admired, besmirched—a man whose heart and soul were over the Horizon.

Measured by the positive, constructive things that came into being from Burr's hands, he does not attain to great stature. But measured by the load of obloquy, hate and venom which he bore without complaint—he stands a colossus. His opportunities considered, perhaps there is none who had more to do with developing the political machinery of the country. Tested by modern canons of morals—admitting the worst—he stands as clean as most men. And who is there to say in the end what the standards shall be? And who shall mark them right and wrong?

To men, Burr was prepossessing; to women irre-

sistible. That came about through no fault or merit of his. The time will come when we shall admit that there are forces at work in both men and women quite beyond the control of finite wills. It is high time we threw open the shutters a bit. How dark our house is—and how congested the galleries filled with faces that look like saints, which a little shifting of lights would prove to be devils; and what an array of devils, only men after all. So much depends on light and shadow!

Finally, what of Burr in his new frame? I trust indeed that the world, so long kept in ignorance of his real character, shall come to see him in a new light and appreciate him for what he was—nothing more, nothing less. He would have asked no higher favor than a fair appraisal, nor shall we who have striven to strip away the false and to affirm the truth touching his life and its place in history.

WALTER F. MCCALEB.

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Aaron Burr

PART I

The Youth

1756–1775

"A child of many prayers."

HARRIET BEECHER STOWE.

CHAPTER I

EXCELLENT DIVINES

I

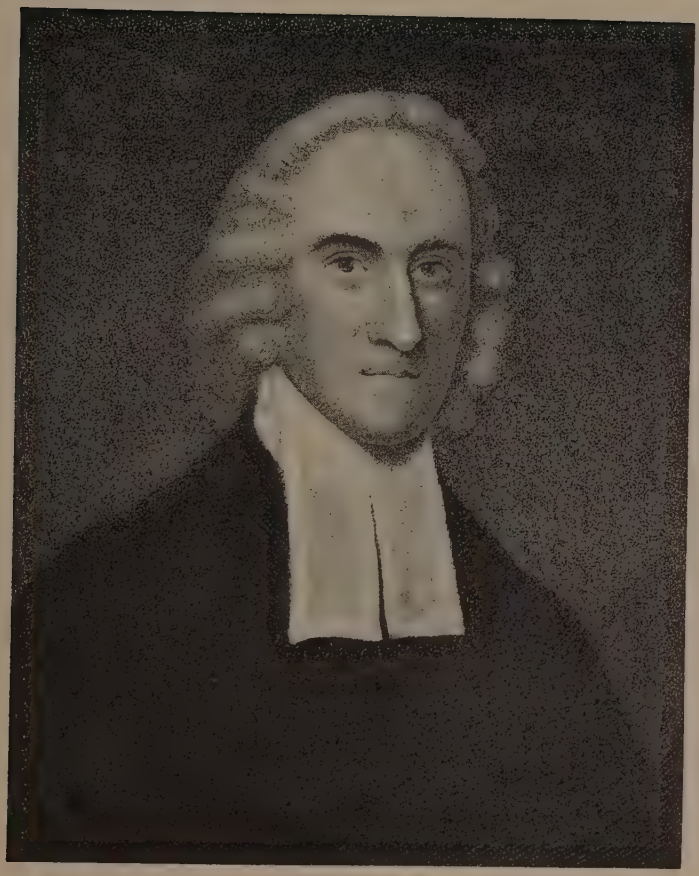
In September, 1753, the Reverend Jonathan Edwards, pastor of the Church in Stockbridge, Massachusetts, wrote to his son-in-law, the Reverend Aaron Burr, pastor of the Church in Newark, New Jersey, to inform him "that a meeting of the Church of Stockbridge . . . unanimously voted that whereas Mrs. Esther Burr, formerly Edwards, a member of this Church, has in divine Providence been removed from hence to dwell at Newark, she is recommended to your stated Communion as a member in full standing in this Church, by Recommendation from the Church of Northampton, and having so remained without offence during her continuance here."

She was one of eleven children of the Reverend Jonathan Edwards—son of the Reverend Timothy Edwards of Windsor, Connecticut—and of his wife, Sarah Pierrepont of New Haven, a daughter of the Reverend James Pierrepont, professor of Moral Philosophy at Yale College of which he had been one of the founders. The Pierreponts were of noble family in Nottinghamshire, and when the Lord of Holme

Pierrepont, Duke of Kingston, died without issue in England, Sarah's brother, James Pierrepont, claimed the succession, and engaged in fruitless negotiations with the British Colonial Secretary, the only permanent result of which was the foundation in the Pierrepont family of a tradition of the Lost Dukedom. But the Pierrepont claim was as nothing, after all, compared to that of the Edwardses themselves, who, through the Reverend Jonathan's grandmother, Esther Tuthill, found opportunity to trace a direct descent from King Alfred the Great.

But the Reverend Jonathan Edwards had other things to do besides preen himself over his royal ancestry. One of sixteen young men who composed the undergraduate body of Yale College in 1716, the terrors of an attack of pleurisy seem to have determined him to a lifetime devoted to the service of God. After preaching for a while in New York, he returned as a tutor to New Haven where, in his own words, he "sunk in religion." It was there, too, that he met Sarah Pierrepont, a young lady who would "sometimes go about from place to place, singing sweetly, and seems to be always full of joy and pleasure. . . . She loves to be alone, walking in the fields and groves, and seems to have some one invisible always conversing with her"—the Great Being who occasionally came to her and filled her mind "with exceeding sweet delight."

They went to Northampton, in Massachusetts, where for more than twenty years Mr. Edwards ministered to that congregation which was soon spoken of as the "largest Protestant society in the world," while he himself became the recognized



REVEREND JONATHAN EDWARDS

leader of his calling in New England, and perhaps the first Colonial theological writer to achieve distinction across the sea. But there arose, finally, a bitter controversy concerning the admission of sinners to the Sacrament—Mr. Edwards holding that the ungodly should be excluded—and the Council of the Church, by a majority of one only, voted that the pastor be removed. Faced with poverty and the cares of a large family, he went, then, as a missionary to the Indians at Stockbridge, where, with an unfailing fortitude, he continued his ministration while his wife and daughters supplemented their slender fortune by the sale of lace and painted fans.

2

It was a stern ministration, founded on the most tenacious personal belief in the theory of predestined damnation, that cheerless Calvinistic doctrine which in his estimation had "very often appeared exceeding pleasant, bright and sweet." In his more serene moments, when holiness seemed to him to be of a calm, pleasant, charming nature, his heart "panted after this—to lie low before God, as in the dust; that I might be nothing, and that God might be all; that I might become as a little child." However, "as innocent as children seem to be to us, yet if they are out of Christ they are not so in God's sight, but are young vipers, and are infinitely more hateful than vipers, and are in a most miserable condition, as well as grown persons. Will these children that lived and died insensible of their misery, until they fell in hell, ever thank parents for not letting them know what they were in danger of?" Hell, "whither the bulk

of mankind do throng," was paved with the skulls of such unredeemed young vipers.

And Hell, he proclaimed from his pulpit, in his terribly composed, unsensational manner, was "everlasting wrath. It would be dreadful to suffer this fierceness and wrath of Almighty God one moment, but you must suffer it to all eternity; there will be no end to this exquisite, horrible misery . . . you will know certainly that you must wear out long ages, millions and millions of ages, in wrestling and conflicting with this almighty merciless vengeance; and then when you have so done, when so many ages have actually been spent by you in this manner, you will know that all is but a point to what remains. . . . If we knew that there was one person, and but one, in the whole congregation, that was to be the subject of this misery, what an awful thing it would be to think of. . . . But alas! Instead of one, how many is it likely will remember this discourse in hell. And it would be a wonder if some that are now present should not be in hell in a very short time, before this year is out. And it would be no wonder if some persons, that now sit here in some seats of this meeting house in health, and quiet, and secure, should be there before tomorrow morning."

His was perhaps the finest flowering in his day of that extraordinary Puritan cult of wretchedness and terror, of the wickedness and ugliness of life, of the inevitable woe awaiting a humanity born in depravity and sin. A cult which led New England fathers to force upon their children the contemplation of ancestral tombs; the consciousness of their own imminent peril at the hands of a pitiless Deity, relentlessly

concerned in the preparation of hell fires unspeakable; the realization of death in all its most morbid aspects. A passionate pessimism, sprung from an immeasurable zeal for holiness, a frantic grasping for salvation, which rose like a malediction from the New England valleys and clouded the very face of God. But a pathetic pessimism, too, crying in the wilderness—for beauty and joy cannot be completely destroyed from the earth; and in the face of dire, fulminating divines—in the presence of Hell's interminable miseries, as preached by Mr. Edwards and his colleagues—the youth of New England still found courage for happiness, and gaiety, and a heroic frivolity.

They danced—High Betty Martin and Pettycoatee; they played at cards with Merry Andrew and King Harry packs; they dressed in oriental ponabaguzzies, bumrums and muggamamoochees; they wore Albemarle, feather-top and brigadier wigs; they even went straw riding. But probably not in Esther Edwards's household. . . .

Such were the parentage and girlhood of the lady who was to be the mother of Aaron Burr.

3

"Pray what do you think every body marrye in or about winter for, tis quite merry isn't it?" she wrote in her journal for Miss Prince of Boston, soon after her own marriage. "I really believe tis for fear of laying cold, for the want of a bedfellow. Well, my advice to such is ye same with ye Apostles, Let Them Marry and you know the reason given by him as well as I do. Tis better to marry than to ——. I

always said I would never be marryed in ye Fall nor Winter, and I did as I said, and am glad on 't."

She was married in June, on June 29, 1752. The Reverend Aaron Burr, her husband, was a son of Daniel Burr, a well-to-do landholder of Upper Meadow, Fairfield, Connecticut. The Fairfield Burrs had been long in the Colony, closely and honorably connected with its history; Daniel Burr's father, Jehu the younger, had been one of the Proprietors under the Fairfield Patent of 1685, a Deputy to the General Court, a lieutenant in the Fairfield train-band, a member of the Standing Council and a noted educator. His father, Jehu the elder, had come from England with Winthrop's fleet in 1630, and settled in Fairfield after a sojourn at Roxbury, in Massachusetts, and at Springfield, in the founding of which he had assisted William Pynchon.

Other members of the family had equally distinguished themselves. The younger Jehu's brothers—John, a Senator and Magistrate, and a major of militia; Nathaniel, a Freeman of Fairfield; Daniel, a Commissary of the County—another son of his, Peter, a graduate of Harvard in 1690, a member of the Council, Speaker of the House, Auditor of the Colony and Chief Judge of the Superior Court; and in a different branch, Samuel, who became master of the grammar school at Charlestown, Massachusetts, and one of the most celebrated teachers of his time. In their matrimonial alliances, also, the Burrs of Fairfield were prominently associated with many of the leading families of New England, frequent marriages occurring between representatives of the Burrs, and

the Jenningses, Golds, Sillimans, Fitches, Wakemans, Truesdales and Wynkoops.

The Reverend Aaron, possessed in his youth of a keen taste for learning which he was to hand on to his own son, had graduated from Yale in his nineteenth year, the winner of three scholarships for proficiency in Latin and Greek which afforded him maintenance at the College for two years as a graduate student. A religious revival which took place during that period turned him, however, to the study of theology, and in 1736 he was licensed as a candidate for orders, taking up his first charge at Greenfield, Massachusetts. From Greenfield he went to Hanover, in New Jersey, whence the increasing fame of his sermons caused him to be called to the Presbyterian Church at Newark. There he remained for some twenty years, an inspiring teacher of the classics, the author of a standard Latin grammar, and an eloquent, compelling preacher to whom were credited the most convincing "awakenings."

His sermons were frequently published and achieved a wide sale, not only because of their religious content, but also because, in the words of a contemporary prospectus, "he considers the corruption and the degeneracy of the reformed nations, and from the tenor of the sacred predictions argues the probability of an ascendancy of the popish over the Protestant powers. . . . On the political and religious state of our affairs in Europe and America he makes reasonable, though alarming, reflections. And concludes with an animated address to the ministers assembled, particularly inculcating their united attempts toward a general reformation, as the only

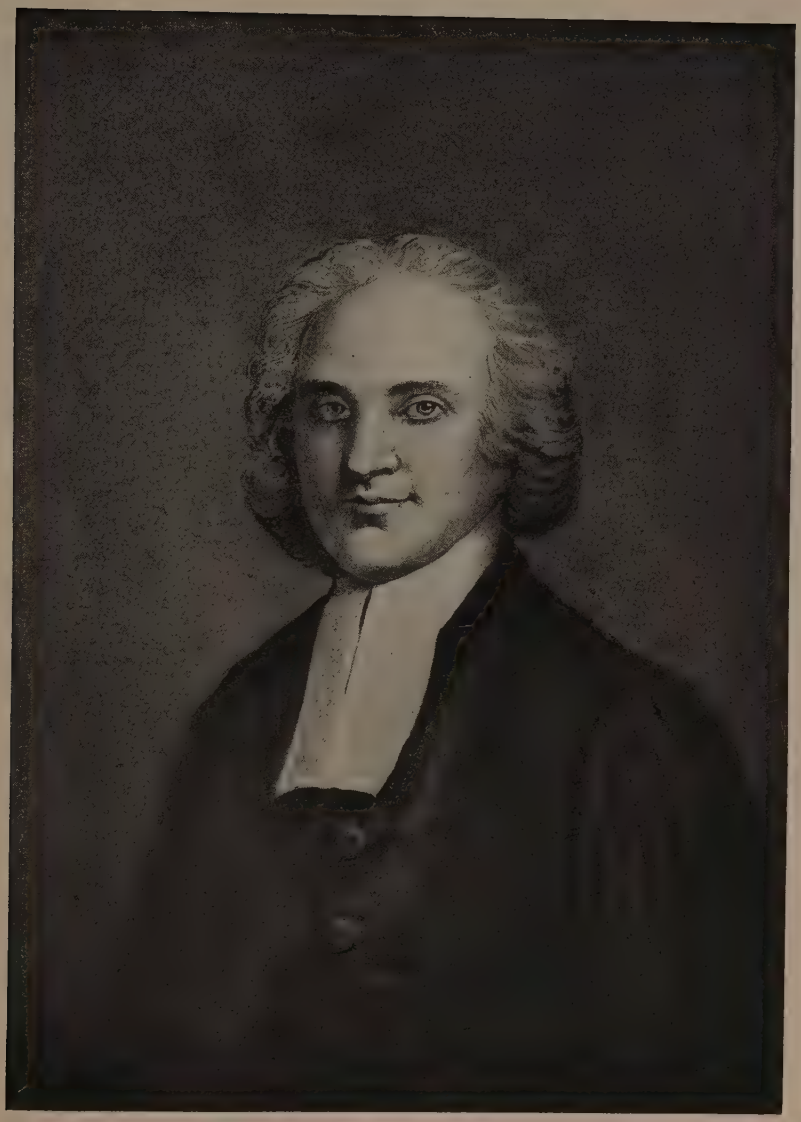
effectual method to avert the impending judgments of Heaven." At other times he discoursed upon "the growing and dangerous power of France under the House of Bourbon . . . the present treacherous Designs against the British Colonies in America . . . the Danger of Divine Judgments from the prevailing immorality of the Age, the Necessity of a general Reformation of Manners, with a Dependence upon the Aid and Protection of Heaven."

The Reverend Aaron Burr was, in fact, a best seller. . . .

4

He was a good many years older than his wife; restless and energetic, elegant and erudite, and of noticeably small stature. She evidently adored him. "Do you think I would change my good Mr. Burr," she asked Miss Prince, in 1755, "for any person, or thing, or all things on the Erth? No sure! Not for a Million such worlds as this yt had no Mr. B—r in it." Esther herself was beautiful and talented, quick witted and vivacious, strongly inclined to literature, a composer of many manuscripts, and deeply religious. At Newark, when she first came, they thought her "a person of great beauty," though "rather too young" for the middle-aged pastor. Perhaps he thought so too, and that her mind needed stimulating, for soon after their marriage he had her studying Latin—a significant example of the Burr mania for education which was to flourish so conspicuously in the nature of the son.

And perhaps she was a little prone to gossip, and too vitally concerned in worldly matters. "I have



REVEREND AARON BURR

no news to tell you," she once wrote her sister Lucy, "I think. Oh yes I have! Miss Eliz—h Eaton is like to be married at Road Island, ant you glad? Now I think of another piece of news. Joseph Woodruff's wife has got a fine son. One thing brings another, thought I had no news, Mrs. Sergent is like to have a child, pray what do you think of this? I know you will laugh. . . . Lawyer Ogden's wife lately lay in with twins, two daughters and lost em both . . . I will tell you what Mrs. Cuming said about the Chince. She says the brown Chinces wash all out in a little time, Kitty's and Polly's did so and they were sorry they got such. . . . We had string beans till the middle of last week. . . ."

But she was not always studying Latin, or thinking about brown "chinces," for on May 3, 1754, a daughter, Sarah, was born to her, and soon "by the way," Esther told Lucy, "people say Sally looks much like you." And on February 6, 1756, at the parsonage at Newark, she "was unexpectedly delivered of a son." She "had a fine time," she told Miss Prince, "altho it pleased God in infinite wisdome so to order it yt Mr. Burr was from home. . . . I had a very quick and good time. A very good laying in. . . ." He rejoiced, the Reverend Jonathan Edwards wrote to his son-in-law, "in the smiles of Heaven on you and your family, and particularly in the late addition to your family, and the comfortable circumstances of both mother and child. For these favors we must bless God. . . . Give my love to your wife and to little Sally, and remember me in your Prayers."

This boy—born a son, grandson, great and great-great-grandson of ministers of the Gospel on both

sides of his house, so that, in the words of Mr. Gamaliel Bradford, "he might seem to have inherited an almost suffocating odor of sanctity"—was named Aaron Burr.

CHAPTER II

PRINCE TOWN

I

ESTHER BURR, at the time of little Aaron's birth, recorded that she had a very quick and good time, but then she had "the canker very bad, and before I had recovered of that my little Aaron . . . was taken very sick, so yt for some days we did not expect his life," and in March she found that "he has never been so well since." And again, when he was about twenty months old, he nearly died of a violent fever, so that when he finally recovered she looked on the child "as one given to me from the dead," and "what obligations are we laid under," she exclaimed, "to bring up this child in a peculiar manner for God!" In other respects, in September, 1757, she thought him "a little, dirty, noisy boy. . . . He begins to talk a little, is very sly and mischievous. He has more sprightliness than Sally, and most say he is handsomer, but not so good tempered. He is very resolute and requires a good governor to bring him to terms." As for Sally, she had "got pretty hearty again, is not much of a baby, affects to be thought a woman. . . . We are about sending her to school"

—she was not yet four—"but Mr. Burr is expecting yt she will prove a numbhead."

The father of this mature little girl and "dirty, noisy" little brother had been for some time, of course, President of the College of New Jersey. He had assisted, in 1746 at Elizabethtown, in its founding, and, upon the death of its first President, had succeeded to the office, the College having been removed to Newark.

In addition to the teaching of mathematics and the ancient languages, and, it seems, the calculating of eclipses, the President busied himself, and with satisfactory success, with the placing of the institution on a sound financial basis, and many of his letters bear witness to his constant concern in these affairs. "We shall want more money soon," he was always writing, and in 1755 he was apparently conducting a transatlantic endowment campaign.

"Dear and worthy Sir," he wrote in December of that year to Mr. Hogg, in Scotland, "your most obliging favor . . . came safe to hand . . . which I read with much gratification and pleasure. It brought us very agreeable news about the Scotland Collection, which has exceeded our expectations at least 300 pounds. . . . We have begun a building at Princeton"—they were getting ready to move from Newark—"which contains a Hall, Library and rooms to accommodate about an 100 students, though it will not any more of it be finished than is absolutely necessary at present, with a house for the President. We do everything in the plainest and cheapest manner, as far as is consistent with decency and convenience, having no superfluous ornaments. There

was a necessity for having a house sufficient to contain ye studts as they could not lodge in private houses in that village where we have fixed the College, which is in the centre of the Province, where provisions are plenty and firewood will always be cheap, is doubtless the fittest place we could have pitched upon.

"The buildings prove more expensive than we at first imagined from the best computations we could get, but by the smiles of Heaven upon us we shall be able, I think, to complete what we design at present: and have at least a fund left of 1600 Ster, which, with the other income of the College will be sufficient for the present Officers and a little more. . . . This fund will be increased by what we get from Ireland, and a little more from South Britain—and we hope by the help of some generous benefactors here and abroad to be able before long to support a Professor of Divinity; that office at present lies on the President, with a considerable part of the instruction in other branches of Literature. The Trustees have their eyes upon Mr. Edwards. . . . The students in general behave well; some among ym that give good evidence of real piety, and a prospect of special usefulness in the Church of Christ are a great comfort and support to me under the burden of my important station."

As for the students in particular, some of them may not have been so enthusiastic over the Princeton prospect. Young Timothy Edwards, for instance, who looked so smart "with his gound and new coat," according to his sister Esther. "I think there is not one in College looks so smart and genteel." And an

enforced residence in this new Nassau Hall they were building would not have appealed to him, since he would not stay at the parsonage in Newark, but must be off with a friend to live in the town at Tutor Ogden's. "He is going out of the house I this morn perceive," Esther informed Lucy, "though he has said nothing about it to me, but only in general when Mr. Burr was gone what if he should, what should I think of it . . . I hope he has a good design in it and wish it may be for his good, but indeed it is very hard I can hardly have it. . .

"Only think of it, no brother! No sister! But he not here and he not live with me, is it not hard. . . . I expect it will set all the Town a talking, tis a pity, for now they are pretty still. It is for no dislike he says to anybody, or anything, but purely for his own advantage." It was all very dismaying for Esther, for "I have nobody with me nor have had since Commencement, though through mercy I have my health as well as ever I had in my life or I could not possibly get along in any shape; but you know there is nobody to have, girls are very scarce for all are ladies now-a-days."

But finally, in November, 1756, the College was moved to "Prince Town," and the Burr family went to live in that little academic village whose chief adornment, aside from its native beauty, was the recently constructed glory of Nassau Hall. . . .

2

And the Lord's work went on "gloriously" in the College. "The fatigue I have had in the case of the College this winter has been greater than ever," Presi-

NASSAU HALL, PRINCETON, NEW JERSEY

From "An Account of the College of New Jersey, 1764."
Probably the first published view. Courtesy of the Robert Fridenberg Galleries.

dent Burr wrote to the Reverend George Whitfield in 1757. "But pleased by God I never had so much comfort in my little Society. There has been a growing concern about the great things of religion among my pupils for some time past. Some of the most vain and careless greatly reformed, and some enquiring the way to Zion."

In fact, "O my dear," Esther informed Miss Prince, "who knows what God may do for the poor youth of this College if we pray ernestly for them!" And in February, "Mr. Burr was sent for to the College about dark and when he came their he found above 20 young men in one room crying and begging to know what they should do to be saved, 4 of them under the deepest sense of their wicked hearts and need of Christ." So they sent for Mr. Tennent "to come and assist in drawing the Net ashore for it is ready to break with the abundance of the Fish yt are caught in it"—and Esther herself composed a long poem to the Lord, in which she expressed the hope that—

> "May Nassau Hall the attractive magnet be
> And draw ten thousand precious Souls to Thee!"

And there was grave need for such a revival of piety, for, in President Burr's opinion, the defeat of General Braddock had been "an awful but a seasonable rebuke of Heaven. Those that had the least degree of seriousness left could not but observe with concern the strange confidence in an arm of flesh and disregard to God and religion that appeared in that army. . . . And I can but think God has brought good to the land out of this evil. . . . The state

of these American Colonies at present looks dark. We are divided in our councils, some are of such a spirit that they will forward nothing but what they are at the head of themselves. . . . When I consider ye crying iniquities of this day, I cannot but tremble for fear of God's judgments that seem to hang over this sinning land."

But at Prince Town the future looked brighter. "The College has been at Prince Town about three months, the students," President Burr thought, "are well pleased with the new situation. The commodiousness of the building and the economy observed about their diet has not a little raised its reputation. . . . I hope Providence will still raise up Benefactors for us."

There was wonderful work to be done for salvation, the College was increasing in numbers as well as in grace, the President's little family was snugly established in its home—and then Mr. Burr was stricken. He had gone, in August, on a visit to Mr. Edwards at Stockbridge, from which he had returned in a state of great exhaustion which brought on an attack of fever. He had scarcely recovered, when College matters required a journey to Philadelphia which was itself no sooner completed than he was called upon to prepare the sermon to be preached at the funeral of his friend and patron, Governor Belcher. This task, and the journey to Elizabethtown to attend the ceremony, absorbed the last remnants of his strength, and on September 24, 1757, Mr. Burr died.

They buried him at Princeton; Mr. William Livingston pronounced a memorial on his life, and the New York *Mercury* proclaimed that "universal was

the grief upon this melancholy Occasion, and the Loss of so valuable a Man diffuses a sorrow among all ranks of People . . . He was a gentleman of great Judgment, Sagacity and Erudition . . . A learned and profound Divine, amiably candid in his religious sentiments, and in the Pulpit fluent, sublime and persuasive . . . His sermons . . . were wonderfully adapted to reform the Taste, to mend the Morals, and to warm the Heart . . . In promoting the Prosperity of the Seminary over which he presided, he was discouraged by no Disappointment . . . By his Pious Instructions and Example, his affectionate Addresses and gentle Discipline, he initiated the Students, as well in the School of Jesus, as in the Literature of Greece and Rome; and inured even the Youth, in the full luxury of blood, to fly the infectious World and tread the paths of Virtue . . ."

Esther herself was magnificently resigned. "Honored Sir," she wrote to her father on November 2, 1757, "I was something dampened by hearing that I should not see you until spring. But it is my comfort in this disappointment, as well as under all my afflictions, that God knows what is best for me, and for his own glory. Perhaps I doted too much on the company and conversation of such a near and dear affectionate father and guide. I cannot doubt but all is for the best, and I am satisfied that God should order the affair of your removal as shall be for his glory, whatever comes of me.

"Since I wrote my mother's letter, God has carried me through new trials, and given me new supports. My little son has been sick with a slow fever . . . and has been brought to the brink of the grave, but

I hope in mercy God is bringing him up again. I was enabled to resign the child (after a severe struggle with nature) with the greatest freedom. God showed me that the child was not my own, but his, and that he had a right to recall what he had lent whenever he thought fit; and I had no reason to complain, or say God was hard with me. This silenced me."

The stern God of the Puritans. And yet—

"But oh, how good is God! He not only kept me from complaining, but comforted me by enabling me to offer up the child by faith, I think, if ever I acted faith. I saw the fulness there was in Christ for little infants, and his willingness to accept of such as were offered to him . . . God also showed me in such a lively manner the fulness there was in himself of all spiritual blessings that I said, Although all streams were cut off yet so long as my God lives I have enough . . .

"In this time of trial I was enabled to enter into a renewed and explicit covenant with God, in a more solemn manner than ever before, and with the greatest freedom and delight. After much self examination and prayer I did give myself and children to God with my whole heart. Never until now had I a sense of the privilege we are allowed in covenanting with God. . . . A few days after this, one evening, in talking of the glorious state my dear departed husband must be in, my soul was carried out in such longing desires after this glorious state that I was forced to retire from the family to conceal my joy; when alone I was so transported and my soul carried out in such eager desires after perfection, and the full

enjoyment of God, and to serve him uninterruptedly, that I think my nature would not have borne much more.

"I think, dear Sir, I had that night a foretaste of Heaven. This frame continued in some good degree the whole night. I slept but little, and when I did my dreams were all of heavenly and divine things. Frequently since I have felt the same in kind, though not in degree . . . But oh, Sir, what cause of deep humiliation and abasement of soul have I, on account of remaining corruption which I see working continually, especially pride! Oh, how many shapes does pride cloak itself in! Satan is also busy shooting his darts; but blessed be God, those temptations of lies that used to overthrow me as yet have not touched me. Oh, to be delivered from the power of Satan, as well as sin. I cannot help hoping the time is near. God is certainly fitting me for himself; and when I think it will be soon that I shall be called hence the thought is transporting."

3

And now it seemed that an insatiable Nemesis darkened the doors of that little home at Princeton. Mr. Burr had died in September, 1757, and his presidential chair been given to his father-in-law, Mr. Edwards. Six months later Mr. Edwards was dead, of a fever following an inoculation for smallpox. "On Wednesday, the twenty-second of March, at Nassau Hall . . . a gentleman of distinguished abilities and a heavenly temper of mind . . . a pattern of temperance, meekness, patience, charity; always steady, calm and serene, a very judicious and

instructive preacher; and a most excellent divine." The Lord's will be done.

But the Lord had not finished. Sixteen days later, on April 7, 1758, Esther Burr herself was dead, of the smallpox, in her twenty-seventh year. Six months later, her mother, Sarah Edwards, had joined her husband. In the course of some twelve months, four-year-old Sally Burr and her little brother Aaron had lost their father and mother, their grandfather and grandmother . . .

4

The orphans were taken to live in the home of their uncle, Timothy Edwards; at Elizabethtown, New Jersey, where he owned for some years a "convenient House, Out-House and fertile land adjoining, being about five and a half acres," admirably suited to "a gentleman, either of leisure or business." Elizabethtown, declared a free port in 1674, once the capital of the Province and the residence of its Governor, was an important centre, both socially and educationally; its celebrated grammar school attracting pupils from the other Colonies, so that a cousin of Aaron's, Pierrepont Edwards, came there from far away Stockbridge even.

Timothy Edwards had inherited all of his father's Puritanical severity, and an instinct for discipline sternly enforced with the rod. In fact, Aaron Burr was afterwards to relate how he had frequently been beaten "like a sack" by his uncle, so that on several occasions he tried to run away from home, and once to the sea. As for Sally, she was away at school in Boston for a while, and "very hearty . . . attends

her school daily and is in good spirits. Desires her . . . kindest love to Aaron, longing to see him, but can't bear to think of going through the Green Woods for she says they are dark—now Sall you must know is no friend to darkness, nor ever will be. . . ."

But Aaron's boyhood was not an altogether unhappy one, for there was living in the same house a younger brother-in-law of Timothy's, Matthias Ogden; and with only the latter's seniority of a year separating the two boys there sprang up between them a close and lasting friendship. Aaron was little —he seemed almost diminutive—and slenderly built, but he was very strong and hardy; he loved to ride, and fish, and hunt; he was always somewhere out of doors with Matthias, playing games or sailing on the river.

Except when they were at their books—their spellers and readamadeasies, their Cocker's Arithmetick, perhaps, and their Burr's Latin Grammar—under the eye of various tutors whom Timothy provided for their proper instruction. And among them young Tapping Reeve, who was in time to marry Sally and take her to Litchfield, in Connecticut, where he founded the first law school in the country, and became a Judge of the Superior Court and eventually Chief Justice of the Supreme Court of the State. But Sally was not to be with him then, for she was an invalid for many years, and died in 1797. . . .

And Aaron made good progress with his books—with his ancestry he could not have done otherwise. When he was seven only, his cousin Pierrepont wrote that "Aaron Burr is here, is hearty, goes to school, and learns bravely." So bravely that at the age of

eleven he was ready to go to College—Cotton Mather had entered Harvard when he was twelve—and presented himself for admission to the Freshman Class at Princeton, where it would then be his privilege to study catechetical divinity, Greek, Latin, a little logic and ethics, some mathematics and "physick" perhaps, and "declaim" upon and "dispute" such weighty questions as whether, when Balaam's ass spoke, there was any change in its organs. But Aaron's application was rejected because of his youth —and because he looked so much younger even than he was—and he went home to follow the studies of the first two years of the College curriculum alone. Then, at the age of thirteen, he applied again, for admission into the Junior Class—and was again rejected, but this time they finally allowed him to enroll as a member of the Sophomore Class.

So "little Burr" came once more to Princeton, to his father's College, and lived pleasantly for a while in that town in which they were one day to bury him . . .

CHAPTER III

INSATIATE HELLUOS

I

PRINCETON, in 1769, was just a small village, "surrounded by dense forests," in a region thinly populated by Quakers and Dutch, and many miles from any town or navigable water. It was, however, the half way stop between New York and Philadelphia, and the College Tavern was crowded almost every night with travellers, and with students gathered there to enjoy the forbidden pleasures of billiards, and the excellent wines and punches for which the inn was so famous. Miss Betsey Stockton was belle of the town; Mr. Witherspoon was President of the College, and "mercy on me!" William Paterson wrote to his chum John MacPherson, in friendly scorn, "we shall be over-run with Scotchmen, the worst vermin under Heaven."

In the College, things went merrily enough. The faculty had forbidden the playing of shinny, one learns from Mr. Slosson, because there were "many amusements both more honorable and more useful" in which the students were indulged; but the undergraduates did not restrict themselves to these, since in 1770 Philip Fithian was writing that they enter-

tained themselves "strewing the entries in the Night with greasy Feathers; freezing the Bell. . . . Picking from the neighborhood now and then a plump fat Hen or Turkey. . . . Darting Sunbeams upon the Town People, Reconoitering Houses in the Town, and ogling Women with a Telescope; Making Squibs and other frightful compositions with Gunpowder, and lighting them in the Rooms of timorous Boys and new comers."

As for the hens and turkeys, Philip was sorry to inform his father, in 1772, "that two of our Members were expelled from the College yesterday; not for Drunkenness, nor Fighting, not for Swearing, nor Sabbath Breaking. But, they were sent from this Seminary, where the greatest Pains and Care are taken to cultivate and encourage Decency, and Honesty, and Honour, for stealing Hens! Shameful, mean, unmanly Conduct!" However, "if a Person were to judge of the generality of students by the Conduct of such earth-born, insatiate Helluos; or by the detested character of wicked Individuals . . . how terrible an Idea must he have!"

2

But during his Sophomore year, at least, Aaron was no insatiate Helluo. He had had so much trouble persuading the authorities to admit him that he was not inclined to risk expulsion by any lack of regard for his studies. He often worked eighteen hours a day; he restrained himself to the most abstemious régime; and at the end of the year he was easily head of his Class. At Commencement the following year, "about twenty Gentlemen of liberal

Education" awarded him the first premium for "reading the English language with propriety, and answering questions on Orthography," and the second premium for "reading the Latin and Greek languages with propriety." And at his own graduation exercises, in 1772, at which William Paterson found the speakers tolerable—none of them very bad nor very good—"our young friend Burr made a graceful appearance; he was excelled by none, except perhaps by Bradford."

During his Senior year, Aaron very considerably relaxed the severity of his routine; he occupied himself with general reading, he was always borrowing from the Treasurer, and, according to his memoirs, spent his time in "the constant pursuit of pleasure." For a while, to be sure, he came under the influence of a great religious revival which occurred that winter, and believed himself to be profoundly moved spiritually, but President Witherspoon assured him that it was only a fanatical emotion. He probably joined his classmates frequently at the Tavern, and dined agreeably while they sang *Jersey Blue*, and *Pauvre Madelon*, and *They Call me honest Harry O.* He even played billiards once for money, and won, but the episode embarrassed him and he never again throughout his life played any game for stakes.

Under the guidance of his great friend William Paterson—a graduate of 1763 whose home was at Princeton—Aaron wrote a number of essays during his college course, many of which were submitted to Paterson for criticism, and one of which—on Dancing—usually attributed to Aaron, was actually written by the other. They were on a variety of subjects—

on The Passions, on Style, on The Origin of Idolatry, on Honor. The Passions, Aaron thought, "if properly regulated, are the gentle gales which keep life from stagnating; but, if let loose, the tempests which tear everything before them." Indeed, a greater curse could not befall the community, than for its princes and eminent men to be under the influence of ill-directed passions. "Do not provinces plundered and laid waste with fire and sword; do not nations massacred and slaughtered by the bloody hand of war; do not all these dreadful and astonishing revelations recorded in the pages of history, show the fatal effects of lawless passions?" Yes indeed; and it was "a part of reason to soothe the passions and to keep the soul in a pleasing serenity and calm: if reason rules, all is quiet, composed and benign; if reason rules, all the passions, like a musical concert, are in unison."

As for Idolatry, there had been many conjectures concerning its authors, but, in any case, "we must not imagine that all idolatry sprang from the same country. It came by slow degrees, and those who made the first advances towards this impiety did by no means carry it to that extravagant height to which it afterwards arrived." In one's Style, Aaron was of the opinion that one should strive for "an elegant simplicity of language." It was the business of every writer to acquire command of language, "in order that he may be able to write with ease and readiness, and upon any occasion to form extempore discourses," otherwise he would never "shine as a speaker, nor will he ever make a figure in private conversation." And the secret of all this was simplicity.

"A simple style, like a simple food, preserves the appetite. But a profusion of ornament, like a profusion of sweets, palls the appetite and becomes disgusting."

Aaron himself had a pleasing oratorical style, but his delivery was too rapid. "Forbear with me," William Paterson wrote him, "while I say that you cannot speak too slow. Your good judgment generally leads you to lay the emphasis on the most forcible word in the sentence; so far you act very right. But the misfortune is that you lay too great stress upon the emphatical word. . . . You are certainly capable of making a good speaker. Exert yourself."

His essay on Honor is of peculiar interest because of its expressed attitude towards the duel. "I shall conclude," he declaimed, "with the single reply of that valiant and honorable personage, Colonel Gardiner, to a person who challenged . . . to decide the matter by a duel, to whom the Colonel replied, with all the boldness and intrepidity of a warrior and all the godlike reverence of a Christian: 'You know,' said he to his thoughtless antagonist, 'that I have courage to fight with feeble man, but I am afraid to sin against Almighty God.' There spake at once the Christian hero and the true, warlike man. . . . With what inimitable excellence did this Christian leader and friend of man sum up in his own person the man of honor, the hero and the child of God. . . . How does the soul shoot away, as it were, with the swiftness of imagination, to mingle with the spirits of men of honor, where all is grandeur, where all is greatness, where all is a profusion of holiness, felicity and joy."

They were typical undergraduate essays, filled with the glamor of ancient verities recently discovered, written in that hand which caused William Paterson to entreat Aaron, should he have occasion to re-direct a letter to the Reverend Samuel Spring, to "do, dear Burr, get somebody who can write at least a passable hand to back it, for you give your letters such a sharp, slender and lady-like cast that almost anyone, on seeing them, would conclude there was a correspondence kept up between my honest friend Spring and some of the female tribe, which might, perhaps, affect him extremely in point of reputation—as many people suppose that nothing of this kind can be carried on between unmarried persons of the two sexes without being tinged with love; and the rather so, since the notion of Platonic love is at the present day pretty generally, and I believe justly too, exploded. Platonic love is arrant nonsense, and rarely, if ever, takes place until the parties have at least passed their grand climacteric.

"Besides, the New England people, I am told, are odd, inquisitive kind of beings, and, when pricked on by foolish curiosity, may perhaps open the letter which I do not choose should be common to every eye."

It was quite true, and not only in New England but elsewhere, so that most men of the day conducted their correspondence in cipher; a custom which the secrecy-loving Aaron had not failed to imitate.

3

Aaron had a good time at Princeton; he made some firm friendships—with William Paterson, with Sam

uel Spring—he was a popular, successful undergraduate; and he left behind him two traditions which were to come to life long after his departure, and flourish as only such legendary gossip can.

The one—centering around the forgotten grave of Catherine Bullock near the Princeton campus—which would have it that the lady died of a broken heart as a result of her betrayal, for a wager's sake, at his hands. A tradition finally laid to rest by Mr. Collins, the reference librarian of Princeton, who showed conclusively, from evidence furnished by the unfortunate lady's family, that Miss Bullock had died quite virtuously of consumption in the home of her aunt at Prospect.

And the other, which still insists occasionally that Aaron Burr founded the Cliosophic Society in the College. The Society was actually descended from the Well Meaning Society, founded in 1765 by his friend William Paterson, in company with Oliver Ellsworth, Luther Martin—who was to play so conspicuous a part in a crisis of Aaron's life—Robert Ogden, a brother of Aaron's chum Matthias, and Tapping Reeve his future brother-in-law; to whom, among others, were added Thomas Melville, the grandfather of Herman Melville, Samuel Spring and Aaron's uncle, Jonathan Edwards. The Society would seem to have been organized as a rival to the Plain Dealing Society, and it was not long before a scurrilous "paper war" was in progress between the two bodies, so that they were both abolished by the faculty, in July, 1769.

A few months later, early in 1770—during Aaron's first year at Princeton—four Seniors led by Nathan

Perkins reorganized the defunct Society, acquired the old Well Meaning property, and called the new literary association Cliosophic. William Paterson, Robert Ogden and other former Well Meaners were enrolled, and in June, 1770, the revived body, consisting of ten Seniors, three Sophomores and four Freshmen, met for the first time. It was this Society, already in its fifth year except for a temporary interruption, of which Aaron became, not a founder, but an honored member.

4

Aaron was sixteen when he graduated from Princeton in 1772—a graceful, winning lad; distressingly handsome in spite of his small stature, and his diminutive ears and big mouth, and the large head in which the deep hazel eyes flashed so compellingly; courageous, energetic, generous, eloquent, witty; a youth of breeding, delicately featured, precociously keen-minded, in whom his friends saw the unmistakable promise of great talents. A disciple of mystery, which was perhaps the forerunner of intrigue; a stoic, jealously watchful of his own emotions, indefatigably aware of his eager ambition; a practicer of insincere flatteries in the presence of ladies, whose ruling passion, he had decided, was vanity, although he preferred their society to that of his own sex; a subtle persuader of men's minds, an irresistible borrower of their hero-worshipping hearts; a fascinating, disturbing, curiously contrived young man. . . .

He stayed at Princeton for a while, continuing his reading in general literature, and then for some months he was again at home with Matthias Ogden,

making trips into the countryside, and to Staten Island to see the British encampment—and perhaps occasionally in the streets of Elizabethtown they passed a boy on his way to the grammar school where he was preparing himself for college; a boy who had just come from the West Indies, whose name was Alexander Hamilton.

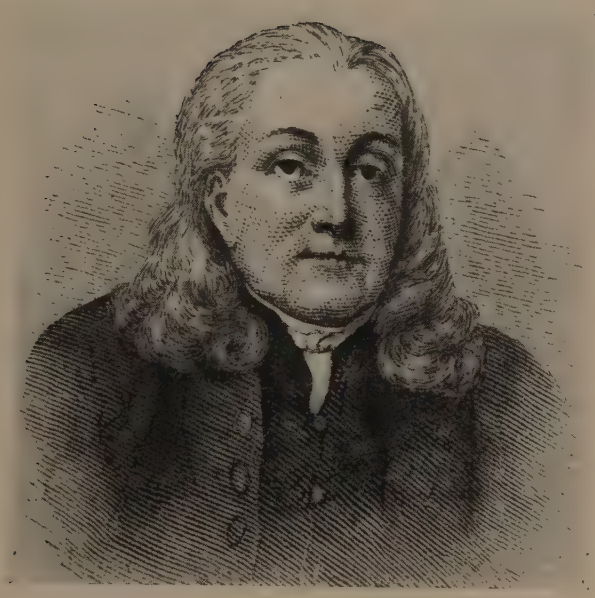
But Timothy Edwards had sold his house and returned to Stockbridge; Aaron must decide about the future, and of course it had always been expected of him that he would enter the ministry. All his relatives urged him to do so, and in May, 1772, his friend Samuel Spring had written to say that "the study of divinity is agreeable—far more so than any other study would be to me. I hope to see the time when you will feel it your duty to go into the same study with a desire for the ministry. Remember, that was the prayer of your dear father and mother, and is the prayer of your friends to this time—that you should step forth into his place, and make it manifest that you are a friend to Heaven, and that you have a taste for its glory. But this, you are sensible, can never be the case if you remain in a state of nature. Therefore, improve the present and future moments to the best of purposes, as knowing the time will soon be upon you when you will wish that in living you had lived right, and acted rationally, and like an immortal."

And so, in the fall of 1773, Aaron packed himself off to Bethlehem, in Connecticut, to undertake the study of theology with the venerable Reverend Joseph Bellamy, an old friend and pupil of his grandfather, Jonathan Edwards. But after several months

spent in discussions with his reverend tutor—during which he showed no "remorse of conscience at wearing your high holiday coat every day"—Aaron realized that he was not destined to become a friend to Heaven, in so far as such friendship involved his entry into the ministry, and that whatever glory he might incline to was not of a celestial nature. There was that, moreover, in the harsh, exclusive religion of his ancestors which did not satisfy his quite frankly sceptical mind; "the road to Heaven," he felt convinced, "was open to all alike"; and in the spring of 1774 he took his leave of the Reverend Joseph Bellamy.

It was inevitable, then, that he should turn to the law; and after a brief consideration of his cousin, Pierrepont Edwards, as a suitable teacher, he went instead, in May, 1774, to Litchfield, to place himself under the instruction of his brother-in-law, Tapping Reeve. Mr. Reeve was already acquiring that reputation in his profession which was to bring more than a thousand pupils to his school, including such men as Oliver Wolcott, Uriah Tracy and John C. Calhoun; Litchfield was an acknowledged centre of liberalism and religious toleration, where, as one learns from Mr. McLaughlin's *Matthew Lyon*, "the Blue Laws were relaxed; surplices, organs and table at the west end of the church were no longer abominations in the eyes and ears of the people. The penal statutes against Quakers, and proscriptive of prayer books and the observance of Christmas, were a dead letter in the town of Litchfield."

And Litchfield was the home of Aaron's dear sister Sally. . . .



TAPPING REEVE

From "Harper's Magazine," March, 1877.

5

But there were other attractions at Litchfield. There were a great many pretty girls there—at Litchfield and in other places which he visited during the following months. At Fairfield, for instance, where he had a violent flirtation with Miss Dorothy Quincy of Boston who was summering there, and who complained that her chaperon would not permit her to spend a moment alone in the company of Mr. Burr, whom she found "a handsome young man with a pretty fortune"—and she engaged at the time to John Hancock! Aaron Burr was to have, during his long life, a number of interesting associations with the fair sex—some of them innocent, some of them less so—and it was not extraordinary that this captivating young law student of eighteen, whose influence on women was almost invariably to be exhilarating, should find himself actively engrossed in the affairs of his swiftly expanding heart.

In fact, it was difficult to escape from the girls; they insisted on falling in love with him of their own accord, and then pestering him about it. "The news you heard of me at Princeton was groundless," Aaron wrote to Matthias Ogden in March, 1775. "It is so far from being true that scarce two persons can fix on the same lady to tease me with." They already had him engaged, evidently. "However, I would not have you think that this diversity of opinion arises from the volatility of my constitution, or that I am in love with every new or pretty face I see. But I hope you know me too well to need a caution of this nature. . . .

"What would you say if I should tell you that —— had actually professed love for me? Now I can see you with both hands up, eyes and mouth wide open. But don't be over scrupulous. Trust me, I will tell you the whole truth. I cannot at present give you any further particulars about the matter than that I felt foolish enough, and gave as cautious a turn to it as I could, for which I am destined to suffer her future hostility."

At other times, it was busybody matchmakers who did their best to involve Aaron in marriages of the purse. His cousin Thaddeus Burr of Fairfield, for example, who had a wealthy, and apparently willing, lady all picked for him. "T. B. has been here," he complained to Ogden. "You will conclude we had some confab about Miss ——. We had but little private chat, and the whole of that little was about her. He would now and then insinuate slyly what a clever circumstance it would be to have such a wife with her fortune. T. Burr, by his kindness to me, has certainly laid me under obligations, which it would be the height of ingratitude in me to ever forget; but I cannot conceive it my duty to be in the least influenced by these in the present case. . . . I can never believe that too great deference to the judgment of another, in these matters, can arise from any greatness of soul. It appears to me the genuine offspring of meanness. . . . I rallied my thoughts and set forth, as well as I was able, the inconveniences and uncertainty attending such an affair. I am determined to be very blunt the next time the matter is urged."

"Steadily, Aaron," Ogden replied. "Money is

alluring, and there is a pleasure in gratifying a friend; but let not a fortune buy your peace, nor sell your happiness. . . . Perhaps she is worthy your love, and, if I could think she was, I would not say a single thing to discourage you. Be cautious, Aaron; weigh the matter well. Should your generous heart be sold for naught, it would greatly hurt the peace of mine. Let not her sense, her education, her modesty, her graceful actions, or her wit betray you."

Aside from that, "I have now and then an affair of petty gallantry," Aaron admitted to his friend in February, 1775. "I have lately been engaged in a correspondence of a peculiar nature. I write once, and sometimes twice a week, to a young lady who knows not that she ever received a line from me. The letters, on both sides, are mostly sentimental. Those of the lady are doubtless written with more sincerity, and less reserve, than if she knew I had any concern in them. Mr. —— received a letter from Miss ——. He is very little versed in letter writing, and engaged, or rather permitted me to answer it, not thinking thereby to embark in a regular correspondence. . . . I have had many scruples of conscience about this affair, though I entered into it not with any sinister view, but purely to oblige ——. I should be glad to know your opinion of it. You will readily see the advantage I have over ——. He is of an unsuspicious make, and this gives me an opportunity (if I had any inclination) to insert things which might draw from her secrets she would choose I should be ignorant of. But I would suffer crucifixion rather than be guilty of such unparalleled meanness. On the contrary I have

carefully avoided saying anything which might have the least tendency to make her write what she would be unwilling I should see."

He might, of course, have stopped writing to the lady; but it was an intrigue of sorts, and Aaron loved intrigues. . . .

And then once he allowed himself to figure in an episode which seems hitherto to have escaped the attention of history. He eloped with a prominent young lady of Elizabethtown; but the ferry which was to have conveyed them to the minister's house was delayed, and the proceedings were interrupted, in fact, definitely postponed, by the arrival of the lady's father, accompanied by several of her indignant brothers. The bride-to-be was taken home and subjected to rigorous parental discipline; the eloping groom was quite thoroughly ducked in the Kill von Kull.

"Steadily, Aaron. . . ."

PART II

The Soldier

1775–1779

"Could you to battle march away,
And leave me here complaining,
I'm sure 'twould break my heart to stay
When you were gone campaigning.
Ah non, non, non, pauvre Madelon
Would never quit her Rover,
Ah non, non, non, pauvre Madelon
Would go with you all the world over."

SONGS OF THE COLLEGE OF NEW JERSEY.

CHAPTER I

THE VOLUNTEER

I

AARON had not been at Litchfield quite a year when the news of Lexington came echoing along the Connecticut hillsides. Already for a decade the clouds had been gathering—the Stamp Act, the Massacre, the Tea Party, the Port Bill, the Continental Congress—and in August, 1774, Aaron had written to tell Ogden that at Barrington a mob of several hundred persons had torn down the house of a man "suspected of being unfriendly to the liberties of the people," and interrupted the session of the Court; an early manifestation, it seems to have been, of the Vigilantes spirit, for Aaron had observed about fifty men on horseback entering the town, each of them armed with a white club. The thing was in the air, all during those years—and now, in April, 1775, there were bells ringing, and drums rolling, across the New England greens.

Aaron immediately slapped down his books and was off to the war, and Matthias Ogden, of course, must come with him. In July, the two young volunteers were at Cambridge, with a letter from John

Hancock to General Washington, recommending "Mr. Ogden and Mr. Burr of the Jerseys." But Cambridge was slow, Cambridge was full of Massachusetts colonels, there was no discipline in the camp among the eighteen thousand New Englanders, there was nothing to do—so it seemed to the impetuous Mr. Burr in his letters to Sally, written in reply to those from her in which she begged him to "write some newes—we are starving for want of it," and promised him that the "frightful nois of great guns" would not keep her from him if he should be "sick or wonded." But that was the trouble—there was not enough likelihood of being "wonded," there was not a sufficiently "frightful nois of great guns" to suit Aaron; and when it was learned that Colonel Benedict Arnold was enlisting men for an expedition against Quebec, in Canada, Mr. Ogden and Mr. Burr of the Jerseys both offered their services, and Samuel Spring was going too, as chaplain, and a certain Mr. James Wilkinson, of Maryland. . . .

2

There were several reasons for this Canadian venture. Canada had, in 1763, been ceded by France to England, and the Quebec Act of 1774, voted by the British Parliament and maintaining French civil law and the privileges of the Roman Catholic Church, had aroused the most acute fears in the American Colonies. Even Alexander Hamilton, who passed for an extremely intelligent person, was convinced that the continued existence of the Roman Catholic Church in Canada must result in the Inquisition and the burning of heretics at New York and Boston.

VIEW OF QUEBEC IN 1775

The clauses of the Act were simply "dark designs" on the part of King George III to establish a Roman Catholic despotism on the American continent. Mr. Hamilton was to be a prey to a variety of such personal prejudices during his life.

Aside from that, General Washington had his own slightly erroneous convictions. The war for Independence was to be won in Canada; the Canadians, only recently transferred to the jurisdiction of a "tyrant" King, would rise and fight at tne side of their American brothers—all this in spite of the fact that Congress, in condemning the Quebec Act, had not hesitated to voice certain exaggerated opinions concerning the Roman Catholic Church, scarcely calculated to please the devout populations of Canada; and that the Canadians themselves remained in a state of the most complete indifference towards the American revolution, since they were, actually, quite satisfied with their "tyrant" King, under whose authority they enjoyed far greater liberties than they had during the last corrupt years of the French régime.

But General Washington was determined to push the war into Canada; Colonel Ethan Allen had captured Fort Ticonderoga in May; there should now be two expeditions against Quebec—one, under General Schuyler, by way of Lake Champlain into the St. Lawrence; the other, under Benedict Arnold, straight to Quebec through Maine. And when General Schuyler fell ill, his command was given to General Richard Montgomery, who had once served under Wolfe. In spite of the poor quality of his troops—New Englanders who he found were "every man a

general and not one of them a soldier," and New Yorkers with "infamous morals," who were "the sweepings of the streets"—General Montgomery's expedition met with brilliant successes, and on November 12 he was in Montreal.

The Arnold expedition was more adventurously conceived, if possibly less sound tactically. Arnold had been with Colonel Allen at Ticonderoga; he had visited Quebec as a trader; he had in his possession, as a guide through the Maine Wilderness, the journal of a certain Montressor, officer of British engineers, who had explored the region. It was Colonel Arnold's intention, and he persuaded General Washington that it could be done, to cross the almost unknown Maine territory and reach Quebec by the Kennebec and Chaudière Rivers, the latter of which flowed into the St. Lawrence opposite the city. In fact, he proposed in so doing to take Quebec by surprise. . . .

3

The troops—three companies of riflemen and two volunteer battalions—were to assemble at Newburyport, and Aaron with some of his companions walked the whole sixty miles from Cambridge. And at Newburyport he found a stack of family letters protesting against his participation in such an undertaking; it was too dangerous, he was not strong enough, "you will die, I know you will die," Dr. James Cogswell assured him, "it is impossible for you to endure the fatigue"; there was even a messenger from Uncle Timothy, with a peremptory letter ordering him to come home; but when Aaron indignantly

threatened to have the messenger hanged, he was given a more kindly message begging him to return to the arms of his anxious relatives. There was also a handsome present of cash, which Aaron no doubt gratefully accepted, but the messenger went back alone to Stockbridge.

Then a great to-do of preparation and embarkation, but Chaplain Spring finally preached the farewell sermon—"Except Thy presence go with us, carry us not up hence!"—and on September 18, 1775, they sailed out of Newburyport, some eleven hundred cheering crusaders.

At Gardinierstown they found the two hundred odd batteaux which Arnold had had built—clumsy, unmanageable vessels, made for the most part of green pine, so that "some stove to pieces against the banks, while others became so excessively leaky as obliged us to condemn them," as Surgeon Senter recorded in his journal. But they had to make the best of it and push on—to Fort Western, now Augusta, Maine, where the men were to be divided into four divisions for the march, to start on consecutive days.

Colonel Arnold left on September 25; the second division under Colonel Green, with whom were Aaron and Ogden, on September 26.

4

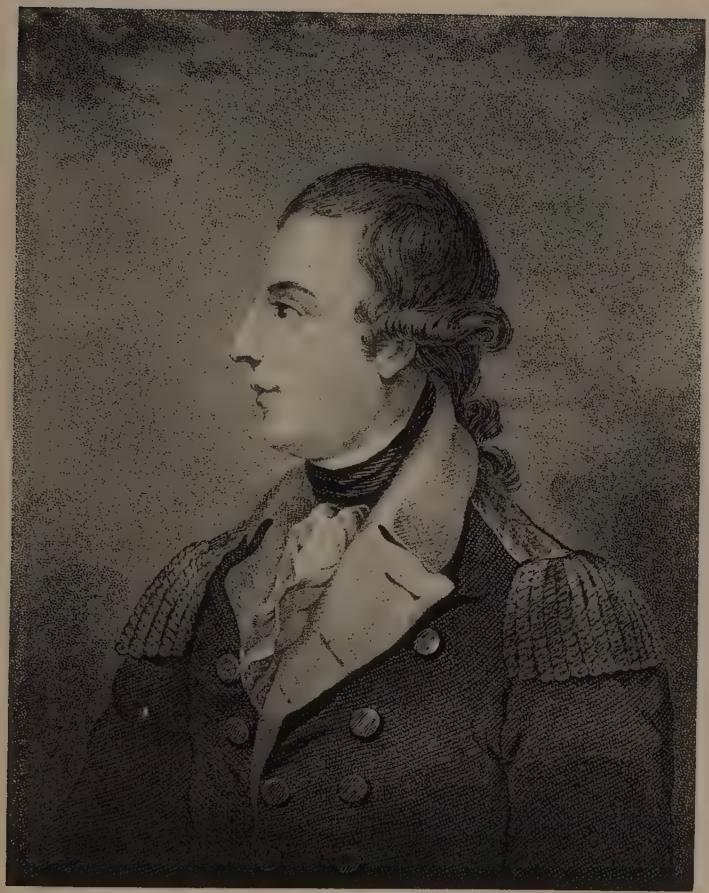
One might readily enough imagine the hardships which were to beset the marchers—the swamps, and rains, and snows; the perils from swollen rivers and rock infested rapids; the lost batteaux and stores, the bewildering trails, the cold, the exposure, the bitter fatigue, and the desperate hunger as the supplies be-

gan to fail—all of which Aaron withstood with uncomplaining fortitude; his skill with boats, acquired during his boyhood at Elizabethtown, rendering him especially helpful to his comrades, although he was once himself very nearly carried over a waterfall. But in this case there is no need to imagine them, for Matthias Ogden kept a journal, which it has been possible to reproduce in part in these pages, probably for the first time, through the courtesy of the Washington Association of New Jersey which owns the manuscript.

They were already very hungry on October 27. "This day," he wrote, "we were employed in transporting our boats to the river leading to Chaudière Pond . . . we were all much pleas'd in seeing the brooks running North which was our direct course. After finishing our portage the provision belonging to the whole was collected and equally divided among the whole detachment. We shared about ½ pound of pork per Man and five pints scant measure of flour which was to last us to the inhabitants.

"The Rifle Men being wholly destitute of any kind of meat before this for eight days. Four O'Clock in the afternoon we heard a shout from the men near the river which soon reached throughout the Camp. We rec'd a letter from Coll. Arnold informing us of the return of the two Indians from whom he rec'd an answer to his letter to Quebec informing him that the inhabitants were much rejoiced at our near approach would assist in repulsing the King's troops their, and forever go in hand with us.

"Our Men were much rejoiced and their spirits animated at this good news for never were men more



RICHARD MONTGOMERY

After the painting by C. W. Peale.

fatigued, at any time, nor ever could men bear up under it better than they. Sure no person unless he was present could form any idea of the hardships surmounted. . . . Coll. Arnold informs us likewise that in six days he will meet us with provisions."

They were several times encouraged by the attitude of the "inhabitants." Once it was "a Number of Indians belonging to different tribes by Coll. Arnold's desire collected themselves and desired to be informed of the Nature of the Quarrel between the King and his Children. After it being made known to them they verry willingly agreed to go with us and fight any body who should molest us. They would not agree to go with us in any Garrison and they must have bread not only for themselves but their Children. Coll. Arnold agreed to give as many of them as were fit to go to war 8 Dollars per month. 32 of them inlisted and rec'd 2 Dollars per Man advance." Another time, when they were approaching more civilized country, "we stopt at one of the inhabitants who treated us verry civilly indeed and seemed much pleas'd the old woman sang the Lexington march for us in taste."

There seems to have been a great deal of going and coming back and forth between the various divisions; orders to be transmitted, messengers to be overtaken, a frequent setting out of little individual expeditions. "I set off with Messrs. Burr and Melcher . . . we followed a small stream which in about 10 miles lead us to Amegunti Lake . . . we kept our course till we were stop'd at the upper end of the lake about 16 miles in length." They camped for the night and the next morning "after rowing about 3 miles back

we made the mouth of the river. We put in and ran down the river with amazing swiftness from the rapidity of the Current about 10 miles were we found one of Capt. Smith's boat dash'd on the rocks with all her lading lost. . . . We travelled on stearing N. East. In about an hour after Capt. Goodrich pas'd us with his men who had been out of provision 2 Days. . . . This day was somewhat solitary we were separated from the main body and almost destitute of provision of any kind."

And often it was very difficult going. They "travelled on in a verry bad road sometimes over shoes in mire. Sometimes climeing on all fours and at others scarcely able to see for the thickness of the bramble and small fir shrubs. At 3 O'Clock we hail'd Capt. Derbon . . . they inform'd us that Capt. Morgan had his boat split upon a rock the most of his effects lost and one Man drowned that he saw were Coll. Arnold's boat was stove. . . . After travelling about 20 miles with our packs on our backs we encamp'd by sunset much fatigued and verry hungry." Especially since "my boots being worn out entirely some days before I made a cover for them of the bag our flower was in which being worn out likewise occasioned my feet to be verry sore."

5

But it was the hunger which grieved them most. "After traveling a short distance," Matthias wrote on October 30, "we came on Capt. Goodrich track which in soon led us to were he encamp'd the evening before. We here found a part of 2 Quarters of a Dog they had kill'd and hung up for the remainder of his

company that was behind, the other they had eaten and taken with them. One of our company rejoiced to find the prize immediately cut a part of it and roasted it on the coals and eat it verry greedily. About an hour after we fell in with the rest of the Company . . . we found them much dejected and spent with fatigue and hunger we inform'd them of the meat at which they sent two men for it immediately."

And sometimes there was not even dog. "We came up with a Man," he recorded two days later, "being ask'd why he lay there he replied he had eaten nothing for the past three days and that he was so far spent he had not strength to proceed here. I would have parted with anything in my possession to give him relief but my verry small pittance of provision, and notwithstanding I knew not how long before I should see any more I could not part with him until I gave him the full half of my pork, which was scarcely two ounces. Capt. Smith gave him half his bread not amounting to that weight. He immediately eat it and said he felt greatly refresh'd so that he came on with us. . . . One of our company had a small bit of chocolate which we boiled and divided out equally by spoonfulls"—after marching twenty-two miles.

But at last, on November 2, there were fresh provisions sent back by Colonel Arnold. "We were blest with the finest sight my eyes ever beheld, no sensation could be equal to it scarce one of us but tears of joy express'd the gratitude of his heart at seeing 5 Horned cattle and two burch cannoes loaded with mutton and flower brought forward by the

french men. They appeared glad to see us and welcom'd us to Canada. . . . After broiling some of the meat we set off and march'd about 10 miles we again receiv'd new life from the sight of a house when we came up with it we found it to be an Indian's with several about it. They were verry officious in ferrying us across the river and seem'd fond of seeing us. The next house was a frenchman's were the Coll. had placed an officer with bread and butter and Potatoes to serve the men as they came up. Nothing to me ever tasted half so sweet. . . . Coll. Arnold . . . inform'd me he . . . was verry kindly rec'd by a great number of the inhabitants who told him they imagined he was sent from heaven to restore them liberty and rung the Parrish bell on the occasion."

6

As they neared Quebec they began to hear all sorts of confusing rumors concerning conditions in the town and the movements of Sir Guy Carleton, the Governor of Canada. On November 5, "we were met by several of the inhabitants some of whom inform'd us that Carleton had taken our express and confined him. That him and twenty of the inhabitants were under sentence of death and would be executed in two days time. . . . Others inform'd us Carleton was taken prisoner and that a number of the citizens were shipping what Cannon they could and destroying the rest. How matters stand we are not able to judge," but it was clear that their Indian expresses had either betrayed them or been detained. And once there were two French gentlemen on horseback who answered a great many questions in the most obliging

manner, but the next day, "from the best information we could obtain we concluded the two frenchmen . . . were spys."

On November 7, "our situation now seem'd somewhat ticklish. As yet we had no certain intelligence of the strength of the enemy at Quebec nor had we heard a word from General Schuyler or his Army." Ogden, for one, had not even heard that General Schuyler was no longer in command. "Our whole number not exceeding 600 and they not all effective the most of us naked and barefoot and verry Illy provided with amunition. The winter approaching in hasty strides and we had no Quarters we could [call] our own; nor any Possibility of retreating but by fighting our way to Genl. Schuyler with a handfull of men through all Carleton's Army."

It was not an encouraging prospect, but "we determined however to make a bold push for Quebec at all events."

And on November 8, "in the morning we were ordered to march to Point Leve and Coll. Green sent back to bring up the rear as soon as possible with the Cannoes as the frenchmen inform'd us all on the river St. Lawrence were destroyed to prevent our crossing. We reach'd Point Leve at 12 O'Clock . . . here we had a full view of the harbour and a part of the Town."

Quebec, at last . . .

There was a twenty-six gun frigate in the port, and a sixteen gun sloop of war called the *Hornet*, and they learned from an American refugee that "a Transport arriv'd yesterday from St. Johns. . . . She brought 150 Recruits. That the frigate Yesterday landed

50 Marines, these with about 100 Tories and 200 Canadians were all within the Walls in the upper Town. These were exclusive of the Militia of which there were eleven companies." Their informant "imagined the Canadians all except the 100 Tories would lay down their Arms."

They sent up the river for reinforcements and clothing from General Montgomery, and on January 9 they found that "the enemy had posted many Centenals along the shore as far as the Hunter who had fell up the river . . . we imagined to prevent our crossing." And at "about 1 O'Clock the Ball was opened between us and the enemy"; there was a skirmish with a barge from the *Hunter* and the Americans captured a prisoner.

Arnold was at Quebec, and if he had not taken it by surprise, there was wonder, at least, within that complacent citadel, that he should have managed to come so far on so arduous a road. As for Governor Carleton, he was annoyed at these Americans, these rebel tinkers, blacksmiths, whatever they might be, who insisted that they were gentlemen.

7

On November 30, Colonel Arnold wrote to General Montgomery, introducing Aaron. "Dear Sir," he told him, "this will be handed you by Mr. Burr, a volunteer in the army, and son to the former President of New Jersey College. He is a young gentleman of much life and activity, and has acted with great spirit and resolution on our fatiguing march. His conduct, I make no doubt, will be sufficient re-

commendation to your favor. I am, dear Sir, your most obed't h'ble B. Arnold."

This letter, revealing the fact that late in November General Montgomery was still ignorant of Mr. Burr's identity, would seem to dispose of the persistent legend to the effect that Aaron, disguised as a Catholic priest, had taken a message from Arnold announcing their arrival in Canada, through the enemy lines to Montgomery, and that in recognition of his exploit the General had offered him a position on his staff. On November 30, Montgomery was perfectly aware of Arnold's arrival since he had sent him some stores, and was himself within a day's march of Quebec, under the walls of which Arnold was now encamped, having crossed the river by night in Indian canoes. However, Arnold's letter was sufficient to arouse the interest of the General in its carrier, and the young paladin of nineteen found himself a captain on the headquarters staff.

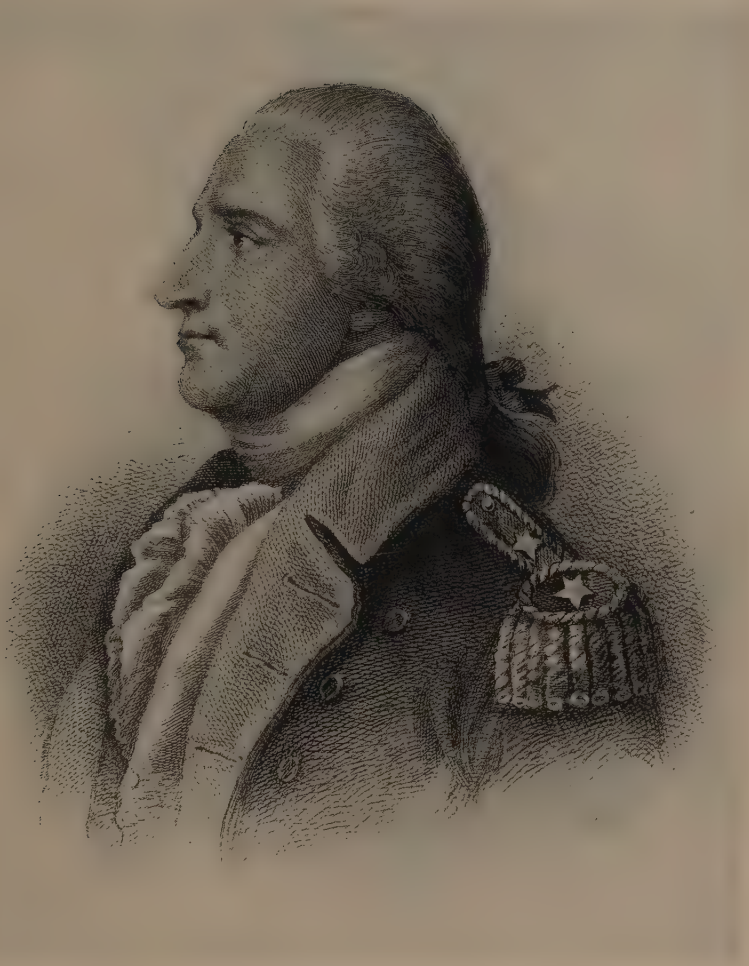
And now they were before the fortress, some thousand men all told under the supreme command of Montgomery, exchanging fruitlessly provocative communications with Carleton, but otherwise inactive. All but Captain Burr, that eager student of tactics, who spent his nights reconnoitering the great Cape Diamond bastion—and his days drilling a detachment of fifty men in the precarious art of scaling almost perpendicular ladders—in preparation for the execution of his cherished plan of assault which was to send three simultaneous attacks against the Upper Town to distract attention from a fourth upon the bastion.

But the scheme was finally rejected, and the effort

concentrated against the Lower Town. At five o'clock on the morning of December 31, 1775, in a severe snow storm, four divisions advanced to the outer defences from different directions—Montgomery from the west, Arnold from the east—with the intention of meeting in the Lower Town for a combined assault upon the Upper Citadel. With the first division, at his General's side, marched Captain Burr.

From the unpublished manuscript of William Dunlap, in the possession of the New York Historical Society, one is able to reconstruct the details of this forlorn hope which might so easily have succeeded. They passed the palisades, and on through a snow encumbered defile guarded by a block house, from which, however, the garrison fled at the first indication of danger. A few moments more and the Americans would be in possession. "We shall be in the fort in two minutes," Montgomery exclaimed to Burr —and then suddenly there was a boom of artillery; one of the garrison had returned to fire the block-house gun which was to save Quebec; of the men at the head of the column only Burr and the French guide were alive; Montgomery himself was dying in his staff captain's arms.

Burr immediately rallied the column, and urged them to push forward, but Colonel Campbell who was now in charge ordered a more prudent retreat. Over on his side, Arnold had reached the streets of the Lower Town, but Quebec was aroused, Montgomery was not there, Arnold was wounded and his second in command captured. And poor Montgomery was dead in the snow, a gallant, able officer sincerely



BENEDICT ARNOLD

mourned throughout the Colonies, and also in that enemy country which he had once served with such distinction. In the snow, from which, according to the inevitable legend, his body was rescued for burial by Captain Burr; whereas he was actually interred with courtesy and respect by the British who found him at daylight that morning, near the Saint Louis Gate, whence his body was finally removed, for burial in New York in July, 1818. What had really happened, Samuel Spring told Senator Plumer long afterwards, was "that as soon as the General fell, the American army fled in great consternation—that Burr returned back alone and attempted, amidst a shower of musquetry, to bring off on his shoulders the body of Montgomery—but the General being a large man, and Burr small and the snow deep, prevented him."

The attack on Quebec had failed.

8

The little army stayed all winter before Quebec, hoping perhaps that the walls would fall of themselves. In the meantime, there was the cold, and bitter want, and eventually the smallpox. There was seldom any money and the Canadians must have money for their supplies. Up at Montreal, finally, in the spring, a commission from Congress, consisting of Benjamin Franklin and two Roman Catholics, Charles and John Carroll of Carrollton, did their best to enlist a more fruitful native support; but on May 6, 1776, there was a British squadron with ten thousand men at Quebec, and the besiegers decamped, abandoning their stores, arms and belongings. It

was the forerunner of that subsequent disastrous American retreat in June, from Montreal and all Canada.

But Captain Burr was not there to see it. After serving as Brigade Major—"dirty, ragged, moneyless and friendless" as he wrote Sally in February—he had been sent from Quebec to Montreal in April, and from thence to Camp Sorrel and again, in May, to Fort Chambly. At home, they had been desperately anxious about him; "the news of the unfortunate attack upon Quebec arrived among us the thirteenth of this month," Tapping Reeve told him in January. "I concealed it from your sister till the eighteenth when she found it out, but in less than half an hour I received letters from Albany acquainting me that you were in safety and had gained honour by your intrepid conduct. . . . It was happy for us that we did not know you was an Aid de Camp untill we heard of your welfare, for we heard that Montgomery and his Aid de Camps was killed without knowing who his Aid de Camps was."

And Aaron himself was no doubt anxious to be home, now that the Canadian venture was all disorganized—anxious for further more purposeful service—and in May he left the army and returned to the Colonies. In fact, he practically deserted, and abandoned his post in flat disobedience to Arnold's orders—according to the hitherto accepted interpretation of his movements at this time. That he did no such thing—and that he travelled on official business which did not even permit an immediate visit to Litchfield—is clearly shown in an unpublished letter which he sent to Sally on May 26 from Fort

Chambly, on the eve of his proposed departure from Canada.

"My Dear Sister," he wrote, "I have this Moment arrived from the Camp at Sorrel all well. I rec'd a Letter from you while at that Place heard of another taken Prisoner in Quebec and several more—strolling about the Country for the entertainment of the Army —I wrote a Letter about the middle of April just before I left Quebec—another the Beginning of this month from Montreal and one of the 20th Inst. from Sorrel—neither of which I suppose you have seen or ever will see. Write me no more till you hear from me again which I hope will be from Albany —I shall if nothing extraordinary intervenes start for the Southward the Beginning of next Week. As I go on Public Business I shall not probably have time to see you as I go down—I intend after that to make a week or two and enjoy it at Litchfield with the best of Sisters. . . .

"The Men of War remain below Dechambar—our Army are on their Way from that Place. Genl. Thomas very ill at this Place with the small Pox. . . I shall never for the future write anything but what I am resigned should lie in the streets a Fortnight. Your affecte. Brother."

He accomplished his business, but even then he did not go immediately to Litchfield, as one learns from another unpublished letter in which he informed Sally that "on the Wings of Joy I had flown thus far on my Way to Litchfield intending to spend the evening with my Dear Sister, when Mr. Sedgwick arrived very unexpectedly from Canada. He has absolutely laid an Embargo upon me for this night, can you per-

mit it my dear Sister? He said you must charge it to his acct. Tomorrow I dine with you and by one o'clock at fartherest will be the happiest Wretch that lives. Till then adieu."

CHAPTER II

THE MALCOLM REGIMENT

I

Captain Burr's fame had preceded him to New York, and upon his return from Canada the Commander in Chief invited him to become a member of his staff. General Washington then had his headquarters in the Mortier house at Richmond Hill, beyond Lispenard's Meadows in Greenwich Village—and there, for a short while, in the mansion which he was one day to purchase and make famous, Aaron Burr worked at his orderly books and reports.

But "little Burr"—he was *so* diminutive, and so youthful in appearance that he was once, two years later, to be taken for his own son by an incredulous visitor—little Burr was not by nature well fitted successfully to withstand the strain of any prolonged contact with his somewhat touchy commander. Alexander Hamilton, who admired General Washington's qualities and whose respect for him increased with the years, himself, later on, found the close association of the staff irksome, so that he eventually turned again with relief to service in the field. Burr, who did not admire the General, and to whom the

future brought only an increasing dislike of his personality, did not stay with him even the traditional six weeks usually ascribed to their collaboration.

To a person of Burr's culture, the General's lack of any considerable education, his failure to rise intellectually beyond the mediocrity of a small Virginia planter, was, in the first place, uninspiring. Aside from that,the young veteran of the assault on Quebec did not consider the ex-Indian fighter of Virginia militia fame a good general; he knew nothing of scientific methods, he possessed no experience of advanced warfare, he had no tactical knowledge to impart worth listening to. In other respects, Burr thought that the General—in the words of Mr. Parton's *Life*—"was as fond of adulation as he was known to be sensitive to censure, and that no officer could stand well with him who did not play the part of his worshiper. He could not bear near his person, said Burr, a man of an independent habit of mind."

As for the General's attitude towards his aide, it was inevitable that the youngster should have irritated him beyond measure. It was often to be said later that General Washington's hostility to Burr was the result of the uncovering of a scandalous love affair, from the implications of which the Captain made no effort to clear his reputation. This, also, was inevitable, since Aaron Burr was always, along with the Borgias, to enjoy the disadvantage of every doubt. Actually, it was more than likely that the brash young Captain, so free with his ideas and suggestions concerning the defence of New York, exasperated his chief from one day's end to the other; the more so since his suggestions were so fre-

quently well inspired and sound. Mr. Burr was always arguing and laying down the military law, and looking over the General's shoulder at his papers and making impertinent retorts to his superior, and General Washington disliked people who presumed to make retorts of whatever nature to his pronouncements.

At all events, Captain Burr was utterly discontented at Richmond Hill, and spoke of resigning from the army in his letters to John Hancock; but on June 22, 1776, the latter procured for him a commission as aide to General Putnam, and Major Burr made his bow to His Excellency, General George Washington.

2

Israel Putnam was a fiery Connecticut Yankee, a hard-riding, blunt-mannered, tempestuous old warrior, a veteran of Indian frontier fighting, a soldier's soldier, with only the most rudimentary educational attainments. But whereas the deficiencies of General Washington, and his punctilious temperament, had disappointed and vexed Burr, in the case of "the good old General," as he called Putnam, the energetic, genuine spirit of the man appealed to him, and they became great friends. With Putnam there was always "hot work at the crossroads tonight, General!"—in the immortal words of a much later Bowery drama commemorating his glories—and Burr found sympathetic work to do at the headquarters in the Warren house, at the corner of Broadway and the Battery.

Sympathetic work, and the sympathetic society of the fascinating Miss Margaret Moncrieffe; a cousin

of the late General Montgomery, and the daughter of a British officer stationed on Staten Island, at whose request she had come to New York under the protection of General Putnam, in accordance with the amenable arrangements of that courteous war.

"Dear mam," the General had advised her in July, but the text and whimsical orthography of his original draft were somewhat revised by his aide, "I must beag your pardon for not answoring your leators sooner but the reason was becaus I did not know how to give you an answor, and not becaus Majr. Moncref did not give me my tital for I dont regard that in the least, but am willing to do him or any of his any kind offes lays in my power not with standing our political disputs for I know let his sentements be what they will he must fight and am well assured we shal fight sooner than give up our Libertys. According to your desir I have ben trieing to git leave for you to go to Staatons Island, for that eand have waited one his Exelancy for liberty for you to go, his answor was that when the larst flag was up hear that Collo. paten said he had it in his power to offor to excheng mastor Lovel for Govenor Skeen, the Ginrol had no power to excheng any prisnors without the leave of Congres but would send to Congres for leave and did not doubt but that they would consent, and he told me I might tel you that if they did mak the excheng you might go with Govenor Sken but would not seand a flag one porpose.

"Yestorday Majir Leavenston was hear and said you had a mind to com to New york but all the lades of his acquantone was gon out of town and asked my consent for your coming her as Mir'st Putnam and

two Daughtors are hear, be assured if you wil com you shall be hartely welcom and I think much more likely to acomplesh the eand you wish for that is to see your father."

She came, and she was perhaps fourteen years old, already possessed of that beauty which was in later days, among others, to captivate Charles James Fox. In the meantime, she captivated Major Burr, and there were trips on the river and moonlight walks on the Battery—and, indeed, rumors of a more intimate mutual interest which Mr. Burr's reputation for gallantry seemed to render unavoidable—and then one day the Major discovered that his beautiful young lady was a spy, engaged in transmitting information to the British lines, and the General had her removed to Kingsbridge.

3

In August, Major Burr was assigned to General McDougal, at Brooklyn, where he inspected the outposts and troops, and made those disparaging reports concerning their efficiency and morale which were to be so drearily justified at the forthcoming battle of Long Island; the fugitive battalions from which he saw convoyed over the Brooklyn Ferry, on a night of retreat and disaster.

New York was now to be abandoned, and on September 15, the British having landed four miles away on the east side of the island, the American forces retired to Harlem Heights. General Silliman's brigade, however, was left behind through some oversight, and ordered by General Knox to occupy a small fort situated about one mile from the

city on an eminence known as Bunker's Hill, or Bayard's Mount—where later the famous Vauxhall Garden was to flourish, and where now Mulberry Street meets Grand, oblivious of the long since vanished hill. "We had but just got into the fort," Lieutenant Jennings and Private Wakeman reported afterwards, "when Aaron Burr . . . rode up and inquired who commanded there; General Knox presented himself, and Burr . . . asked the General what he did there, and why he did not retreat with the army; the General replied that it was impossible to retreat, as the enemy were across the island, and that he meant to defend that fort; Major Burr ridiculed the idea of defending the place, being, as he said, without provisions or water, or bomb proof . . . and again urged General Knox to retreat to Harlem Heights; but General Knox said it would be madness to attempt it.

"A smart debate ensued, the General adhering to his opinion; Burr addressed himself to the men, and told them that if they remained they would, before night, be all prisoners and crammed into a dungeon, or hung like dogs; he engaged to lead them off, and observed that it would be better that one half should be killed in fighting, than all be sacrificed in that cowardly manner. The men agreed to follow him, and he led them out. . . . About four miles from town we were fired upon by a party of the enemy; Burr galloped directly to the spot . . . hallooing to the men to follow him; it proved to be only . . . about a company of the enemy who immediately fled. Burr and his horsemen pursued and killed several of them; while he was thus engaged the head of a

column had taken a wrong road; Burr came up and turned us to the left into a wood, and rode along the column from front to rear, encouraging the men, and led us out to the main army with very small loss.

"The coolness, deliberation and valor displayed by Major Burr, in effecting a safe retreat without material loss, and his meritorious services to the army on that day, rendered him an object of peculiar respect from the troops, and the particular notice of the officers."

Both for impudence and courage, it was a notable exploit for a young man of twenty, but it received no mention in official dispatches. For himself, "if I have any plain metal buttons . . . I should be glad of them all," he wrote Sally in October. "If I have a pr. of leathern drawers send them, and two pr. of the coarsest on my winter stockings."

4

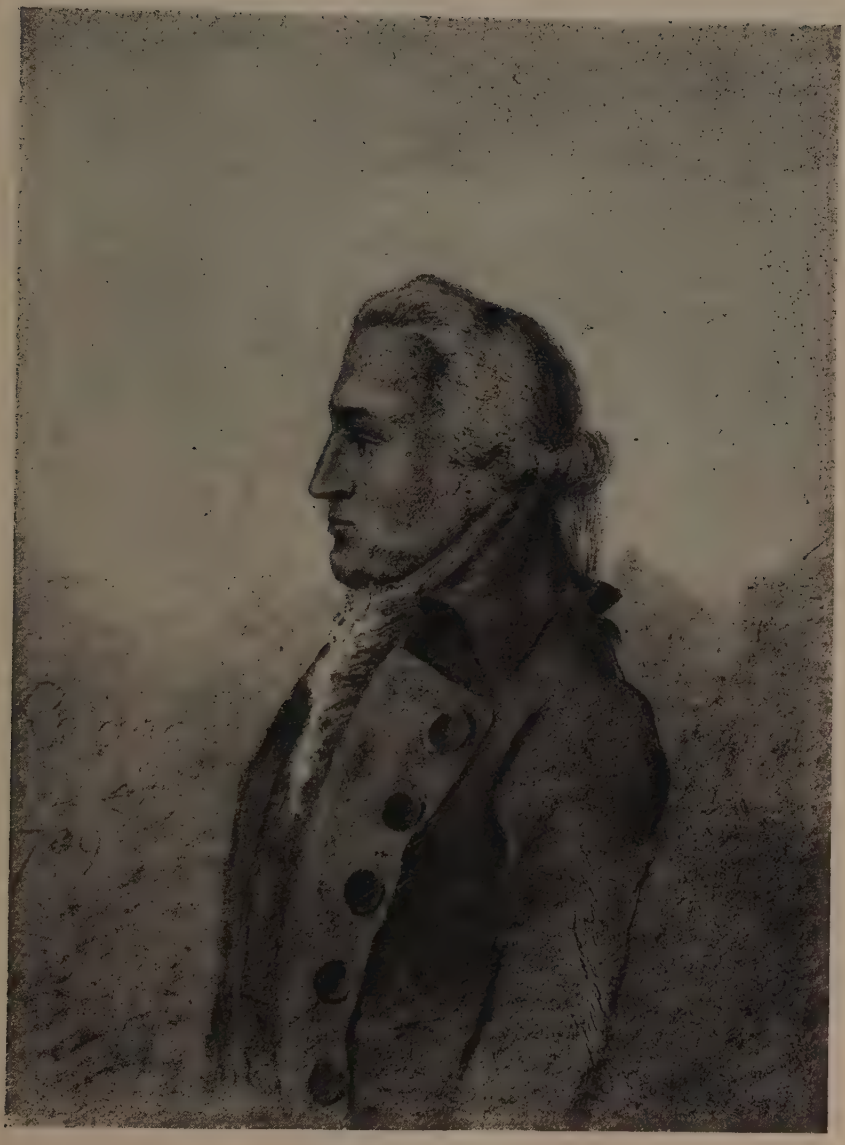
After the evacuation of New York, Major Burr remained on General Putnam's staff for some nine months, and then, in July, 1777, he was appointed Lieutenant Colonel of Malcolm's Regiment—the youngest officer in the army to hold so advanced a rank, but the young man was not pleased. "I would beg to know," he complained to General Washington, "whether it was any misconduct in me, or any extraordinary merit or services in them, which entitled the gentlemen lately put over me to that preference?"

Malcolm's Regiment had been raised by a wealthy merchant of New York, a worthy patriot who made no pretensions to any military talent; so that when the new Lieutenant Colonel arrived at Ramapo, Mr.

Malcolm was only too pleased to withdraw from the command and leave the regiment to Burr. A strict disciplinarian, the acting Colonel nevertheless soon endeared himself to his men, by his personal generosity in providing for their comforts, and by certain modifications which he introduced in the prevailing punitive code. "I served in this regiment all the time it was under the command of Colonel Burr, being about two years," Judge Gardner of Newburgh afterwards related. "During the whole time he never permitted corporeal punishment to be inflicted in a single instance; yet no regiment in the army was under better discipline, and I doubt whether it was excelled by any one."

One of its most conspicuous exploits during that year was its repulse of a marauding expedition of some twenty-five hundred Tories under ex-Governor Tryon, who had invaded New York State from Connecticut and plundered their way through Orange County. The regiment was at Suffren's, in the Clove, and Colonel Burr marched immediately towards Hackensack with all his available men. While they were on the march, Judge Gardner recalled, "an officer arrived by express from Major General Putnam, recommending or ordering Colonel Burr to retire with the public stores to the mountains; to which Colonel Burr replied that he could not run away from an enemy whom he had not seen, and that he would be answerable for the public stores and for his men."

They arrived at Paramus—Colonel Burr was often to come to Paramus in other days—and there were "considerable bodies of militia, in great alarm and disorder, and doing much mischief to the neighbor-



GEORGE WASHINGTON

Now reproduced for the first time from a drawing in pencil by Ramage, dated May 2, 1789. Courtesy of the Robert Fridenberg Galleries.

ing farms," but there was no definite news of the enemy. Colonel Burr put the militia to repairing the fences they had destroyed, set some guards and went forward with thirty men to reconnoiter. At ten o'clock that night they learned that they were within a mile of the enemy pickets. "Colonel Burr then led the men into a wood, and ordered them to sleep till he should awake them. . . . Colonel Burr then went alone to discover the position of the enemy. He returned about half an hour before day and waked us, and told us that he was going to attack the picket of the enemy. That we had only to follow him, and then forbid any man to speak or to fire, on pain of death." After marching thirty miles the extraordinary man had apparently not slept at all himself.

"He led us between the sentinels in such a way that we were within a few yards of the picket guard before they suspected our approach. He then gave the word and we rushed upon them before they had time to take their arms, and the greater part were killed." They themselves had only lost one man. Colonel Burr then sent messengers to Paramus "to order all troops to move and to rally the Country. Our little success had so encouraged the inhabitants that they turned out with great alacrity and put themselves under the command of Colonel Burr. But the enemy, probably alarmed by these threatening appearances, retreated the next day, leaving behind the greater part of the cattle and plunder which they had taken."

But there was no pursuit, for "peremptory orders" had come "to join, without delay, the main army

then in Pennsylvania." Perhaps they got there in time for the battle of Germantown.

5

At any rate, they spent the winter of 1777–8 at Valley Forge, with General Conway's brigade. And by a curious mischance, just as in Canada Colonel Burr had been conspicuously associated with Benedict Arnold, whose name was to become a symbol of treason, so at Valley Forge he was in public contact with this Irish adventurer, one of whose chief concerns was intrigue. And the object of these secret machinations was, of course, the removal of the Commander in Chief. In his entire military career, it had been General Washington's fate to take part only in defeats, and both in the field and in Congress there was disgusted condemnation of this general who never won victories, and a determination to have him superseded by General Gates, who could point to Saratoga and the surrender of Burgoyne as the one triumphant achievement of American arms in three seasons of warfare.

While in Congress John Adams was muttering about the idolatrous worship of George Washington, with the army it was Generals Conway, Gates and Lee who were the most active in criticism, the most vicious in secret disparagement. "Heaven has determined to save your country," General Conway wrote to General Gates, "or a weak general and bad counsellors would have ruined it"; and already in 1776, General Lee had spoken to him of his commander as being "most damnably deficient." With his well-known dislike of General Washington, there is

no reason to suppose that Colonel Burr was altogether silent in the presence of these disputes; it was not a question of personal advancement with him—in his estimation, Mr. Washington was not a good general, and New York and Philadelphia had proved it.

In other respects, the winter at Valley Forge was not pleasant—the snowbound, barefooted, hunger-haunted, prayer-sustained scene is only too well established in the national imagination—but to a veteran of the miseries of Quebec it was perhaps not so terrible. And while existence was not to be as agreeable as it had been in the winter quarters of the previous year at Morristown—where Colonel Hamilton went horseback riding with Lady Washington, and Mrs. Bland, and the Misses Livingston, and where Mrs. John Morton and the Boudinots gave parties for the officers—still, there was a semblance of social activity, centred around Lady Washington's knitting bees; Lady Stirling, and Mrs. Clement Biddle, and Mrs. General Knox of dancing fame were there; the officers and men lived "chiefly in Hutts which they say is tolerable comfortable."

And Colonel Burr found plenty to do—even though General Washington would not permit him to undertake a raid on Staten Island—for, at General McDougal's earnest suggestion, the Commander in Chief sent him some ten miles out to take in hand a parcel of unruly militiamen charged with the protection of the approaches to the camp at the "Gulf," and whose habit it was to arouse headquarters almost nightly for the purpose of repelling imaginary attacks. The Colonel made short work of these clowns; he established a rigid discipline; he inspected outposts in

person at the most inconveniently unexpected nocturnal hours—they should have realized that Colonel Burr never slept—and very soon there was a plot to murder him. But it leaked out; Colonel Burr had the cartridges removed from the men's muskets, and then paraded his band of malcontents at midnight. He was promptly fired at quite ineffectually by an unfortunate whose right arm he took off with one stroke of his sword, and from then on there was no further talk of mutiny.

There was something about this little man which compelled obedience, and inspired loyalty. . . .

CHAPTER III

COWBOYS AND SKINNERS

I

THE winter passed, and in June, 1778, the Conway brigade was at the battle of Monmouth, during the course of which a ridiculous order halted its regiments as they were about to cross a bridge under heavy artillery fire. As at Bunker's Hill, in New York, Colonel Burr proposed to ignore the orders, but in this case he was not successful, and in the midst of a considerable slaughter of his precious Malcolms he had a horse shot under him.

It had been a bad day, owing to the deliberate insubordination of General Lee. This violent-tempered, contemptuous officer had participated in the British conquest of Canada; he had served as a Major General in the Polish army; in 1776, after disobeying General Washington, he had been captured in his nightshirt at a New Jersey tavern by the British; during the campaign for Philadelphia, he had been a guest of General Howe's whom he kept assuring that Maryland and Pennsylvania were only too anxious to return to their former allegiance; in the spring of 1778 he had been exchanged and given a high command—just for what reason is perhaps not so clear, except

that Mr. Washington was not blessed with any great quantity of experienced generals. At Monmouth, it had been General Lee's duty to attack the British rear guard and hold it against General Washington's arrival. But General Lee did no such thing. "You don't know the British soldiers," he told Lafayette who was with him, "we cannot stand against them," and he allowed himself to be attacked instead. And when General Washington, summoned by Lafayette, came on the scene, he called Lee a "damned poltroon," and placed him under arrest.

In the court martial which followed, General Lee was suspended for a year—he was eventually to be dismissed from the army—and it was not unnatural that Colonel Burr should have sided with the accused. One could condemn Lee for disobedience and cowardice, even for treachery; or one could see in his actions a prudent setting aside of dangerous orders issued by an incompetent commander. Colonel Burr who thought less and less of General Washington, and who never hesitated himself to ignore instructions which appeared to him ill conceived, gave his support to the deposed general.

"Dear Sir," Lee wrote to him in October, "as you are so kind as to interest yourself so warmly in my favour, I cannot resist the temptation of writing you a few lines. Till these two days, I was convinced the Congress would unanimously have rescinded the absurd, shameful sentence of the court martial; but, within these two days, I am taught to think that equity is to be put out of the question, and the decision of the affair to be put entirely on the strength of party; and for my own part, I do not see how it is

possible, if the least decency or regard for national dignity has place, that it be called a party business.

"I wish I could send you the trial, and will the moment I can obtain one. I think myself, and I dare say you will think, on the perusal, that the affair redounds more to my honour, and the disgrace of my persecutors, than, in the warmth of indignation, either I or my aid-de-camps have represented it. As I have no idea that a proper reparation will be made to my injured reputation, it is my intent, whether the sentence is reversed or not reversed, to resign my commission, retire to Virginia, and learn to hoe tobacco, which I find is the best school to form a consummate general. This is a discovery I have lately made. Adieu. Dear sir, believe me to be your most sincerely obliged servant, C. Lee."

Once again the accident of circumstances had placed Colonel Burr in friendly relation with a popularly accepted traitor. . . .

2

During the summer of 1778, Colonel Burr was ordered by General Washington to Elizabethtown on confidential business, the nature of which proved to be the accumulation of information concerning military and naval movements in the port of New York. He was also directed by Lord Stirling to employ persons who should spy out the activities in the Bay from Bergen Heights, "Weehawk or Hoebuck"; and in this work, which he accomplished with great discretion and success, one may perhaps see the first example of an organized military intelligence as distinguished from individual, voluntary espionage.

But while no one was to suspect it from any diminution of his zeal, Colonel Burr's health had become seriously impaired as a result of constant exposure and fatigue—he had also had a slight sunstroke on the blistering field of Monmouth—and in October he was forced to apply for a short leave, after three years of almost continuous service. But the furlough was not sufficient to restore his strength, and on October 24 he wrote to General Washington requesting permission for a more prolonged absence.

"Sir," he stated, "the excessive heat and occasional fatigues of the preceding campaign have so impaired my health and constitution as to render me incapable of immediate service. I have, for three months past, taken every advisable step for my recovery, but have the mortification to find, upon my return to duty, a return of sickness, and that every relapse is more dangerous than the former. I have consulted several physicians; they all assure me that a few months retirement and attention to my health are the only possible means to restore it. A conviction of this truth, and my present inability to discharge the duties of my office, induce me to beg your excellency's permission to retire from pay and duty until my health will permit, and the nature of service more particularly require my attention, provided such permission can be given without subjecting me to any disadvantage in point of my present rank and command, or any I might acquire during the interval of my absence.

"I shall still feel and hold myself liable to be called into service at your excellency's pleasure, precisely as if in full pay, and barely on furlough; reserving to

myself only the privilege of judging the sufficiency of my health during the present appearance of inactivity. My anxiety to be out of pay arises in no measure from intention or wish to avoid any requisite service. But too great a regard to malicious surmises, and a delicacy perhaps censurable, might otherwise hurry me unnecessarily into service, to the prejudice of my health and without any advantage to the public, as I have had the misfortune already to experience."

On October 26 General Washington replied that "you, in my opinion, carry your ideas of delicacy too far when you propose to drop your pay while the recovery of your health necessarily requires your absence from the service. It is not customary and it would be unjust. You therefore have leave to retire until your health is so far reestablished as to enable you to do your duty. Be pleased to give the colonel notice of this, that he may know where to call upon you should any unforeseen exigency require it."

Colonel Burr read the letter—his suggestion concerning the pay had not been accepted—and he immediately left for West Point, to rejoin his regiment.

3

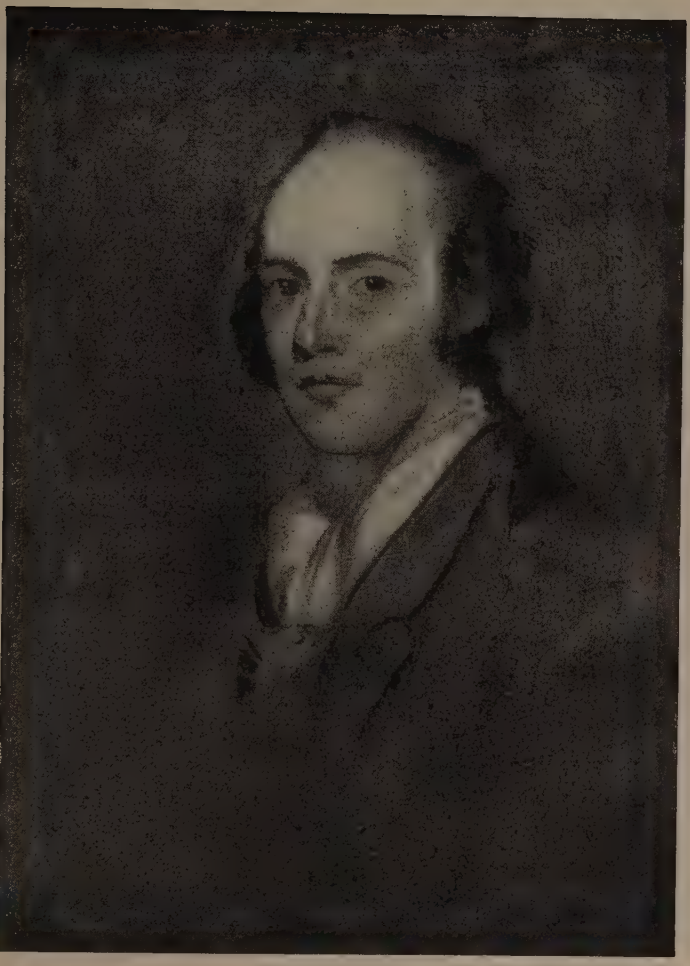
Two months later, in January, 1779, Colonel Burr took his last leave of the Malcolms and crossed over to General McDougal's area in Westchester, where he was now to command the lines from the Hudson to the Sound.

It was a district animated by mixed Tory and Whig loyalties, the civilian population of which had

had much to suffer at the hands of marauding bands from both armies. When it was not the loyalist "Cowboys" it was the patriotic "Skinners," and upon Burr's arrival his old Brooklyn commander assigned to him the task of restoring discipline and order, and providing a reliable protection for the inhabitants.

Colonel Burr shortened his lines and established his headquarters at White Plains, and an example of what was taking place in that countryside was immediately furnished him. His predecessor, Colonel Littlefield, was just starting on a "scouting" expedition, and Burr authorized him to proceed as far as Throggs Neck, with special orders that no private property was to be molested. When the scouts returned they brought with them one prisoner and a large quantity of plunder, and before very long the camp was besieged with complaints. Burr was furious, and wrote to the General that he "could gibbet half a dozen good Whigs with all the venom of an inveterate Tory." He was determined to put an end to these outrages, and General McDougal gave him every support. "I authorise you to be the sole judge," he told Burr, "and in the exercise of this trust it is my wish that you should lean to the honour of our arms."

In order to accomplish his purpose, Colonel Burr personally explored the entire territory under his command; he caused careful maps to be prepared, showing every path and stream; from among the country boys he organized a corps of volunteer horsemen to patrol the roads—perhaps one of the first attempts at a local constabulary; he classified the



AARON BURR

From an engraving of the portrait by Stuart in the possession of the New Jersey Historical Society. A copy of this portrait was executed by Vanderlyn, and is in the possession of Princeton University.

inhabitants according to their occupations and political leanings, and forbade the passage of his lines to any living beyond them; in the camp, he inaugurated sanitary measures, and banished all disreputable characters of either sex who had hitherto enjoyed its freedom; throughout the region he promoted a respect for property rights, and punished all infringements of them with impartial severity. It was not long before the "itch for scouting" had been considerably soothed.

The Colonel slept habitually in his clothes and boots; he visited his posts nightly in all weathers; he led adventurous nocturnal assaults on enemy block houses; and through his personal care for their welfare he earned from his men an affection which surpassed even their respect for him as a soldier. He was a good officer, just, wary, courageous; an energetic, enterprising commander; a magnetic, inspiring leader; a veteran of four campaigns. He was just twenty-three. The return of peace, one can not but remark, and his subsequent absorption in other affairs, deprived the country of a brilliantly promising military figure and robbed of some of its glory the career of arms which for a time he so conspicuously adorned.

But in the spring of 1779 the little Colonel was exhausted; his health failed him again, and on March 10 he sent his resignation to General Washington. The resignation was accepted with expressions of regret, and Burr retired officially from the army to seek the rest which he so required. But he could not cut himself off entirely from warlike affairs; and while he journeyed back and forth visiting friends and rela-

tives—in New Jersey, in Connecticut—he found means of service, and was frequently entrusted with the carrying of verbal orders and secret dispatches from Generals McDougal and St. Clair. "Col. Burr being on urgent public business, must be put across the Ferry to Fish Kill Landing without a moment's delay. Given at Pompton 3rd June 1779. A'r St. Clair, Maj'r Gen'l"—one imagines him eager and happy over these matters.

And once, in July, 1779, there was a chance to command some troops again. It was at New Haven, and the Colonel was sick, when the town was attacked by the enemy. Colonel Burr put himself at the head of the militia, who, together with the Student Company of Yale College commanded by George Wells of the Senior Class, attempted to impede the invaders' progress. "As they came along," President Stiles recorded in his diary, "our people divided . . . others kept to the Enys left and under the command of Col. Burr . . . harrassed the Enys March." Dr. Daggett, Professor of Divinity, "was captivated. He discharged his piece and then submitted as Prisoner."

The British attack was successful, however, and "from the first entrance till VIII in the Eveng. the To. was given up to Ravage and Plunder, from which only a few Houses were protected." These were, naturally, Tory residences; including the famous Tory Tavern which the British occupied as headquarters, and which is now the property of Elihu Club, one of the College Senior Societies. As for the College itself, it was the intention of the British commander to burn it, and Sir Edmund Fanning, a graduate of

Yale in 1757 who participated in the attack, always claimed in later years that it was through his personal intervention that this catastrophe was averted.

For Burr, the soldiering days were done, and it was to be another thirty years, almost, before he enjoyed again the responsibility of camp and armament, the bustle of a fatal preparation. He withdrew from military life with a habit of industry and self-denial; an experience of hardships which made of him an invalid for many months; a widespread reputation for distinguished conduct; a host of friends in every walk of society; some enemies—and a vivid dislike and mistrust of Mr. Washington which were to influence him in the days of his political career.

PART III

The Lawyer

1779–1801

"Law is anything which is boldly
asserted and plausibly maintained."

AARON BURR.

CHAPTER I

A LADY AT PARAMUS

I

ONCE upon a time, before the war, Burr had hoped to become a lawyer, and he now turned again to these forgotten studies. But the state of his health disturbed him and kept him from his work; he was not contented, he told his old friend, William Paterson; he sighed for New Jersey, he saw no company, he partook of no amusements, he was always grave. He seemed to be suffering from melancholia.

"I am once more a recluse," he again wrote Paterson in February, 1780, from Middletown this time. "It accords with my feelings. I should doubtless be happier if I enjoyed perfect health and the society of a friend like you . . . I am somewhat at a loss how to regulate my motions for the coming summer. The prospect of peace is still distant. It is an object of importance with me to be not only secure from alarms, but remote from the noise of war. . . . My health, which was till late very promising, seems to decline a little. This circumstance will oblige me to alter my course of life . . .

"A gentleman who has been long eminent at your bar, and whom we both know perfectly well, had made Troup some polite offers of his services as an instructor. He was pleased with the scheme, and as he knew the gentleman was professedly my friend, urged me to put myself also under his tuition. I mentioned to him in a late letter the objections which had been decisive with me, and I fancy he will view them in the same light. He is the companion I would wish in my studies. He is a better antidote for the spleen than a ton of drugs. I am often a little inclined to hypo[chondria]. . . . I have been pursuing the track you marked out for me, though not with the ardour I could wish. My health will bear no imposition. I am obliged to eat drink, sleep and study as it directs."

It was really not until the fall of 1780 that Burr was able to devote himself regularly to his reading; when, with his friend, Colonel Robert Troup, he placed himself definitely under the instruction of William Paterson, at Raritan, in New Jersey, and took up his residence in the lawyer's home. But their conceptions of the proper method of studying law were not at all in accord. Paterson insisted on a thorough preliminary grounding in legal principles. Burr was all for an immediate entrance into actual practice, convinced that the latter would soon make the principles perfect. The matter was not one which could be readily adjusted, and so the two students departed from Raritan, and sought, instead, the library of Mr. Thomas Smith, a New York lawyer who, at the time of the British occupation, had moved his books to Haverstraw, and who now, in return for

a representative sum in gold consented to induct Mr. Burr and Mr. Troup into the mysteries of their profession.

2

But Mr. Burr did not, in 1781, confine himself exclusively to the study of the law. In fact, it is a question whether his dejection and unhappiness the year before were entirely due to the condition of his health. For Mr. Burr was then—he had, perhaps, already for some time been—in love with a lady who, in May, 1781, was writing to him that "our being the subject of much inquiry, conjecture and calumny, is no more than we ought to expect. My attention to you was ever pointed enough to attract the observation of those who visited the house. Your esteem more than compensated for the worst they could say. When I am sensible I can make you and myself happy, I will readily join you to suppress their malice. But, till I am confident of this, I cannot think of our union. Till then I shall take shelter under the roof of my dear mother, where, by joining stock, we shall have sufficient to stem the torrent of adversity."

The lady in question was Mrs. Theodosia Prevost, of Paramus, New Jersey; the daughter of Mrs. Philip De Visme, and the widow, since 1779 only, of Lieutenant Colonel Marc Prevost of the British army. That Burr had known her for some time, and that tongues had wagged over his relations with the family, is incontestable. "The Misses Livingston have inquired in a very friendly manner about you," Troup told him in June, 1780. "Since I have been

here, I have had an opportunity of removing entirely the suspicion they had of your courting Miss De Visme. They believe nothing of it now, and attribute your visits at Paramus to motives of friendship for Mrs. Prevost and the family. Wherever I am, and can with propriety, you may be assured I shall represent this matter in its true light." And in that same June, Mrs. Prevost, though she had not yet seen her, was on terms of intimacy with Sally Reeve, and writing to her that "as you are no stranger to the partial friendship your amiable Brother honors me with, nor to my want of skill in the art of writing, I will not apologise for my present attempt. Although I can with propriety accuse him of a breach of confidence for having exposed the ignorance of his friend to a lady of your superior sense.

"Your health, my Dear Madam, has given me the utmost concern and anxiety. Though I have not the happiness of a personal acquaintance, As the sister of my inestimable friend you are justly entitled to my highest regard and attention . . . I flattered myself with the hope of seeing you with Mr. Reeve at the Hermitage. . . . You will find a sympathizing friend who would feel a singular pleasure to be in the smallest degree conducive to your recovery, who would treat you with the familiarity of a sister that wishes to cultivate your friendship."

That Burr was a frequent visitor at the Paramus Hermitage in 1780 was generally known; he was there, for instance, on a lamentable night which brought a cavalry escort to the door, conveying, on her way to New York, from the betrayal of West Point in which she had taken an active part, a veiled

and distracted lady who proved to be Mrs. Benedict Arnold—a friend of the De Vismes, and of Burr himself since childhood. Indeed, it was to become a popular tradition that in 1779, when he was in command at White Plains, Colonel Burr was in the habit of having himself ferried at night with his horse over the Hudson, eluding the British pickets and riding across country to spend a few hours at the Hermitage—a feat, the romantic appeal of which is calculated to obscure the considerable unlikelihood of its repeated accomplishment.

But that was in 1779, and it is certain that in 1778, already, Colonel Burr was acquainted with the Paramus family; for in August a sloop and a "flagg of truce with three drums and fifes" were given to him by Governor Clinton for the purpose of conducting within the British lines—in his capacity as a representative of the Board of Commissioners for Detecting and Defeating Conspiracies—the families of certain Tories who had preferred to "affect Allegiance to the King of Great Britain"; and to the certificate the Colonel added an endorsement stating that "Mrs. Prevost and Miss De Visme with one Man servant in consequence of Lord's Stirling's Leave to pass to N. York and return are admitted on board this Flagg." But this does not signify that Mrs. Prevost, in spite of her English marriage, was disloyal to the American cause, for at a later date Colonel Troup was writing to a brother officer that—

"I feel irresistibly impelled by a perfect confidence in the intimacy subsisting between us to recommend to your kindest attention one of my female

friends in distress. I mean Mrs. Prevost, who has been justly esteemed for her honor, virtue and accomplishments. . . . During the whole course of this war she has conducted herself in such a manner as proves her to possess an excellent understanding as well as a strong attachment to our righteous cause. My character of this lady is drawn partly from the information of the most respectable Whigs in the State. Impressed with those sentiments, I am not ashamed to confess that I feel an anxiety for her welfare. . . . Without the least deviation from truth, I can affirm that Mrs. Prevost is a sincere and cordial well wisher to the success of our army, which will be an additional reason with you for showing her all the civilities in your power."

And if they were acquainted in 1778—so that, as seems to be the case, Colonel Burr was disposed to facilitate Mrs. Prevost's passage to New York—may not one suppose that their knowledge of each other dated back to that September afternoon in 1777, when the Malcolms, with their Colonel in the van, came tramping down from the Clove, in that Ramapo Valley to which the glamor of Burr's name has ever since clung, into Paramus—past the red sandstone house with the diamond-shaped windows which was called the Hermitage?

3

It has sometimes been asserted that Mrs. Theodosia Prevost was Swiss. Beyond the fact that her supposed portrait adorns the dial of an old watch—once the property of Colonel Burr, and now owned

AARON BURR'S WATCH, BEARING A SUPPOSED PORTRAIT OF MRS. THEODOSIA BURR

Original in the possession of E. D. Hill, Esq.

by Mr. E. D. Hill, of Keyport, New Jersey—there is no justification whatever for this assumption.

Her father, Theodosius Bartow, a lawyer of Shrewsbury, New Jersey, was the son of the Reverend John Bartow who came to Westchester in 1702 from England, and founded St. Peter's Episcopal Church. John married Helena Reid, the daughter of the Surveyor General of the Province of New Jersey, who presented him with ten children, Theodosius being one of six sons. Theodosius, himself, married Anne Stillwell, and died shortly before the birth of his daughter, Theodosia.

Through her mother, Theodosia was even more conspicuously connected with the history of the Colonies. Her great-great-grandfather, Nicholas Stillwell, had come from Surrey to be one of the earliest tobacco planters at Yorktown, in Virginia; and in 1639, when in order to curb the excessive cultivation of the plant it was decreed that crops should be "viewed," and one half of each crop burned, Nicholas was chosen as a "viewer," being "of experience and in dignity." He was also a famous Indian fighter, and earned for himself the name of Valiant Stillwell. In 1645, however, having fallen into a dispute with the authorities of Maryland over a trading post in the Chesapeake, he fled to Manhattan, and eventually became a Magistrate in Staten Island, where he died.

His son, Captain Richard Stillwell, was a Justice of the "West Riding of Yorkshire," consisting of Staten Island and a part of Long Island, and married Mary Cook, a daughter of Magistrate Cook of Gravesend; a circumstance which seems to have

given rise to the family legend which identifies his wife with Mercy Cook, the daughter of the regicide John Cook who was hanged and quartered by Charles II—a legend as unfounded, apparently, as that which would make of Valiant Nicholas a brother of the same John Cook, planting tobacco under an assumed, and equivocal, family name.

Theodosia's grandfather, Richard again, the fourth son of Captain Richard and Mary Cook, was a merchant of New York until he retired to Shrewsbury, and married Mercy, "the proud and beautiful Miss Sands"—a granddaughter of Captain James Sands who had commanded the militia in King Philip's War. Richard and Mercy had two sons, and six daughters who were known as "the six beautiful Stillwell sisters"—Mary, Deborah, Elizabeth, Lydia, Catherine and Anne. One of these, Mary, married Colonel Thomas Clarke of the British army, whose granddaughter became the celebrated Lady Holland. Another, Deborah, married Captain Richard Smith of the British army, and had a daughter, Mary, who, while on a visit to her cousin Theodosia, made the acquaintance of a captured American officer on parole called Samuel Bradhurst whom she subsequently married, and who was the great-grandson of Thomas Pell, Lord of Pelham Manor, and Anna, daughter of Wampage, Chief of Westchester. Still another of the famous sisters, Elizabeth, married Captain Peter Wraxall of the British army, and, upon his death three years later, Colonel John Maunsell, who declined to fight against the Colonies and retired to England during the war with his friend, Colonel Roger Morris—

and whose estate on Harlem Heights, together with that of the Morrises, was one day to pass into the hands of Stephen Jumel. And Anne, of course, married Theodosius Bartow.

After the loss of her first husband, in 1746, while Theodosia was still a little girl, Anne Stillwell Bartow married Captain Philip De Visme of the British army, and had by him, before his death in 1762, five children; one of whom, Catherine, or Katy, married Doctor Joseph Brown, of New York, who was to be intimately associated with Colonel Burr's political career. In 1786, Anne De Visme was still living, and deeding a piece of property to Colonel Burr for which he was to pay "one peppercorn if the same shall be lawfully demanded." Theodosia, herself, in 1763, had married Colonel Jacques Marc Prevost of the British army—a brother of General Augustine Prevost who commanded the British forces in South Carolina—and whose death while on duty with his regiment in the West Indies, in 1777, had left her with five children, Sally, Anne Louisa and Mary Louisa, and John Bartow and Augustine James Frederick, who, at the time of Colonel Burr's acquaintance with her, were serving as ensigns in the British army.

Descended from officials of the Crown, stepdaughter and niece by marriage of five British officers, sister-in-law and widow of two others, and mother of two more—it was not unnatural that the good Whigs of Ramapo should have looked with suspicion upon Theodosia Bartow Prevost, and done their best to oust her from her husband's estates, so that the friendship and esteem of so conspicuously patri-

otic a personage as Colonel Burr must have seemed to her peculiarly felicitous, and worthy of every gratitude. . . .

4

And so, in the spring and summer of 1781, Burr was studying law, and writing to Mrs. Prevost, and receiving long letters from her. "The influence my letters may have on your studies is imaginary," she told him in May. "The idea is so trite that I was in hopes it was worn from in your mind. My last year's trials are vouchers. I was always writing with a view to please you, and as often failed in the attempt. If a desire for my own happiness cannot restore me to myself, pecuniary motives never can. I wish you to study for your own sake; to ensure yourself respect and independence; to ensure us the comforts of life, when Providence deigns to fit our hearts for the enjoyment. I shall never look forward with confidence till your pride extends to that. I had vainly flattered myself that pride was inseparable to true love. In yours I find my error; but cannot renounce my idea of its being the necessary support to, and the only security for, permanent affection. . . . My health and spirits are neither better nor worse than when you left me."

There are some extraordinary things in this letter. It is, incidentally, the same letter in which she refused to think of their union until she could be certain of making him and herself happy. She could not make up her mind, but the question of marriage had been definitely established between them. And what had he said to her, to cause her dignified re-

buke? In what respect had he disappointed her in his pride? Had he threatened to stop working unless she agreed to marry him; or, on the contrary, had he tried, ineptly, to tempt her with the prospect of his progress? What foolish, anxious, clumsy thing had he done—this young man who was in so many ways so perfect?

In the meantime, she wrote him other letters; "I shall expect to hear from you every week. My ill health will not permit me to return your punctuality"—for she was never to be very robust—"you must be contented with hearing once a fortnight"; and then learned dissertations concerning Voltaire, and Rousseau, and Chesterfield. "The indulgence you applaud in Chesterfield is the only part of his writings I think reprehensible. Such lessons from so able a pen are dangerous to a young mind, and ought never to be read till the judgment and heart are established in virtue. . . . When all the world turns envoys Chesterfield will be their proper guide. Morality and virtue are not necessary qualifications —those only are to be attended to that tend to the public weal. . . .Affectionately." And she visited Sally, now, at Litchfield, and wrote to her with equal affection—

"Dear Sally: I have waited impatiently ever since the departure of Mr. Reeve to hear of your health, and whether he suffered no injury from the rain—I was in hopes the violence of the storm would have retained him prisoner that day—but he disappointed my expectations, even at the risque of his health. His desire to return evinced the sacrifice he had made to friendship in quitting his Sally; and

redoubled my gratitude to both for their kind attention." Mr. Reeve had come to see her at Sharon, in August. "Our dear Reeve flattered me with the prospect of a visit from my lovely sister. The family employ themselves numbering the days, and rejoicing every evening to be nearer that wished for period. . . . Adieu, my dear Sally, Hygiaea and peace attend Thee."

Whether she had told Colonel Burr so or not, there can be no doubt that at this date Theodosia Prevost had made up her mind. . . .

5

And he was working very hard at Haverstraw, twenty hours a day sometimes, and in October he was ready for his examinations, and on his way to Albany with a letter of introduction to General Schuyler from General McDougal. "This will be handed to you by Lieutenant Colonel Burr, who goes to Albany to solicit licence in our courts. Being a stranger in that part of the country, I beg leave by this to introduce him to you. He is a soldier, an officer, and a worthy citizen, and commanded the advanced corps of the army in the Southernmost part of this State in the winter of 1779, during which he discharged his duty with uncommon vigilance. I am persuaded by my knowledge of him he will merit every attention you may think proper to show him."

But when he arrived at Albany, there was a rule. Candidates for examination must have spent at least three years in the study of the law; Burr could hardly muster six months. However, Judge Yates gave him reason to hope this rule "of unexpect-

ed rigour, which, if strictly adhered to, must effectually exclude me from this bar," might be "enlarged." And so he wrote to the Chief Justice, stating his claim to such special consideration as might be permissible. "Before the Revolution," he reminded him, "and long before the existence of the present rule, I had served some time with an attorney of another state. At that period I could have availed myself of this service; and, surely, no rule could be intended to have such retrospect as to injure one whose only misfortune is having sacrificed his time, his constitution and his fortune to his country.

"It would give me sensible regret were my admission to establish a precedent which might give umbrage to the bar; but, should your opinion accord with my wishes, with respect to the indulgence due to my particular case, the expression of it, to any gentleman of the profession would doubtless remove the possibility of discontent. Perhaps I assume a freedom which personal acquaintance only would warrant. I beg, sir, you will ascribe it to the reliance I am taught to place on your goodness, and the confidence with which your character inspires even those who have no other title to your notice."

The letter was not calculated to offend the Chief Justice, certainly, but the gentlemen of the Bar must deliberate, and candidate Burr settled down to await their decision. An impatient, heartbreaking time for him, but Albany was very kind and hospitable; he was petted and entertained; the elderly and authoritative Miss De Peyster took him under her capable wing; Philip Van Rensselaer took him into the home of his two maiden aunts; and

when he had nothing else to do he wrote to Theodosia.

"I keep always a memorandum for you," he explained in December, "on which, when I think of anything at any time of day that I wish to write, I make a short note in a manner which no other person would understand . . . I would recommend the same to you, unless you rather choose to write at the moment when you think of anything. . . . When you read my letters I wish you would make minutes at the time of such facts as require an answer; for, if you trust your memory till the time of writing, you will omit half you would otherwise say." He was already exhibiting the dictatorial spirit which was so noticeably to animate his subsequent domestic correspondence. And it was, he found, too great a drain upon his time. "I perceive this letter writing will not answer," he decided. "Though I write very little, it is still half my business; for, whenever I find myself at a loss what to do or anyhow discomposed or dull, I fly to these sheets, and even if I do not write, I ponder upon it, and in this way sacrifice many hours without reflecting that time passes away."

As for the rule, and Judge Yates with whom he was "mangling" law, "I really fear Yates is playing the fool with me. Still evasive, though plausibly so . . . Tomorrow I must and will come to a positive *enclarissement*. . . . My mind is so engrossed by new views and expectations, that I cannot disentangle it. I have not, these five days past, slept more than two hours a night, and yet feel refreshed and well." But Miss De Peyster was "one

warm friend and advocate" of his cause, and for his physical comfort he had "been busy in fixing a Franklin fireplace for myself. . . . I am resolved you shall have one or two of them. You have no idea of their convenience, and you can at any time remove them."

And finally they suspended the rule for him; he passed a brilliant examination, was admitted to the Bar as attorney on January 19, 1782, and as counsellor on April 17. The Legislature had recently passed a law forbidding Tory lawyers to appear in the courts. Whigs were consequently in great demand, Albany was more than friendly and promissory of a lucrative practice; he determined, therefore, to open an office in that city, which was soon reasonably busy with clients.

6

And the next thing to do was to be married.

"I do hereby certify that Aaron Burr of the State of N. York Esqr. and Theodosia Prevost of Bergen County, State of N. Jersey widow were by me joined in lawful wedlock on the second day of July instant. Given, under my hand and seal this sixth day of July, 1782. B'n Van Der Linde."

The original marriage certificate, signed by the Reverend Benjamin Van Der Linde, pastor of the Reformed Dutch Church of Paramus, does not, however, solve the much disputed problem concerning the locality in which the wedding took place; nor were any marriage records kept by the Paramus church. For Paramus and Albany both, the pleasurable distinction has frequently been claimed, with

an energy scarcely compatible, perhaps, with the relative importance of the question. But the pretensions of Albany seem now to be set aside in favor of Paramus, according to the contents of an unpublished letter in the possession of the New Jersey Historical Society, written by Mrs. Burr to Sally Reeve shortly after the wedding; from which it would appear that the ceremony took place either at the Hermitage or at the home of Dr. Brown and his wife Catherine—the Caty of the letter—a half-sister of Mrs. Burr. At all events, the refreshments and some of the trousseau were provided by the Browns, and when the Burrs left they took a sloop for Albany.

"You had indeed, my dear Sally, reason to complain of my last scrawl," Theodosia wrote from Albany. "It was neither what you had a right to expect or what I wished. Caty's journey was not determined on till we were on board the sloop. Many of our friends had accompanied us and were waiting to see us under sail. It was with difficulty I stole a moment to give my sister a superficial account. Caty promised to be more particular, but I fear she was not punctual. You asked Carlos the particulars of our wedding. They may be related in a few words. It was attended with two singular circumstances. The first is that it cost us nothing. Brown and Catty provided abundantly and we improved the opportunity. The fates led Burr on in his old coat. It was proper my gown should be of suitable gauze. Ribbons, gloves, etc., were favors from Caty. The second circumstance was that the parson's fee took the only half joe Burr was master of. We partook of the good things as long as they lasted

THEODOSIA BURR

From an engraving of the pantograph drawing by St. Memin in the possession of the Smithsonian Institution. There is also in existence a childhood portrait by Vanderlyn, privately owned.

and then set out for Albany where the want of money is our only grievance. You know how far this affects me.

"Our house is roomy but convenient. I have not yet been able to procure a good servant, though Burr has taken all imaginable pains, but we have one in prospect, if some evil does not interfere. We are impatient to have you with us. We count the weeks. You must not, you will not, disappoint us. The air of Albany is healthy. But why enumerate inducements? My friends know the pleasure they will give us—that their presence will crown the felicity of a brother and sister who love them with tenderness and affection. Your tender concern for us is testimony of your regard, and summons a tear of gratitude and love. Yes, my sister, I realize my joy fully."

There were friends, and gaiety, and plenty of punch, no doubt; and many letters of felicitation —from Judge Hobart, from Governor Clinton, from William Livingston who said that he had "but a Moment's Time to Congratulate you on the late happy Circumstance of your Marriage with the Amiable Mrs. Prevost. Confident that the Object of your Choice would ever meet Universal Esteem, I have waited impatiently to know on whom it would be placed. The Secret at length is revealed, and the Tongue of Malice dare not I think contaminate it. May Love be the Time Piece in your Mansion, and Happiness its Minute Hand." The letter was written a week after the wedding, and was addressed to Paramus. . . .

And so the long courtship was over, and Colonel

Burr was married at last—to a woman ten years his senior, a widow with five children, an invalid, possessed of little material fortune, and endowed with few personal charms. She was, in fact, slightly disfigured facially, as the result of a burn. One might wonder, indeed, what it was in her that attracted this popular young man of twenty-six whose effect upon the fair sex—and upon the fairest of its fair—had already been so gratifyingly profound; until one remembers that Theodosia Bartow Burr was perhaps one of the most cultivated women of her time; a student of literature and philosophy; a lover of pictures and books; a creature of exquisite manners and graces adorning an exceptionally luminous intellect—in his own words, a woman whom he loved because she had the truest heart, the ripest intellect, and the most winning and graceful manners of any woman he had ever met, to whose influence he ascribed any measure of perfection to which his own might have attained. Woven through the fabric of their hearts' intercourse, theirs was to be a rare companionship of the mind; and it was, surely, a striking appreciation of his own culture and intellectuality that she, so richly furnished with those qualities, should still have derived an inspiring pleasure from his.

CHAPTER II

SOME LETTERS

I

In 1783, there was peace with England, the British were to evacuate New York, and Burr decided to move from Albany to the larger city. In April, already, one of his Bartow relations was writing him that "I have procured you a good house in Maiden Lane, at the rate of two hundred pounds a year. The rent to commence when the troops leave the city. Doctor Brown can inform you more particulars about it, as he went with me to view it." But the Burrs did not take this house at the time, as one learns from an unpublished letter of Burr's to one of his uncles, written in November, in which he asked him for money—the Colonel was always in shallow financial waters— and told him of his proposed removal.

"I have finally determined to leave this place," he wrote. "This resolution has cost me much anxiety —but as I have adopted it after much deliberation, and from the purest motives, I trust I shall have no cause to repent it. . . . I need not tell you that I shall want more money than I fear I shall be able

to command. Nothing in the world would have induced me to ask for the ballance due me in the suit with Livingston, etc. It is customary to wait for at least such charges as are taxed against a defendant till they can be recovered of the defendant. This suit is that of all others in which I should have chosen to observe the custom. If I could even have borrowed the money I would not have asked it. . . . If there is a prospect of remitting me the ballance mentioned . . . you may detain the bearer for the purpose. . . . I am sure you will feel for my situation, and if the request needs further apology, will make it to your partners in my behalf. . . .

"I intended to have sent my servant man with this letter, but he being unexpectedly obliged to leave me, I improve the accidental conveyance of Doctor Waldo. . . . If any sum of money is procured for me, worth the trouble, I should be glad to have it sent—otherwise it can be remitted to me at New York. I shall stand more than ever in need of your friendship and good offices. That you may know how to find me or direct to me—observe—my house is in Wall Street, next Door but one to the City Hall—Verplanck's house. . . ."

To Verplanck's house, consequently, they came; probably just in time to witness the disgruntled departure of the British troops on November 25, and the triumphant entry of General Washington, with Governor Clinton and General Knox, for the flag raising ceremony which the British so delayed by cutting the halliards and greasing the pole—although the passage of General Washington would not have aroused in Colonel Burr any undue extravagance of

enthusiasm—and soon there was a client, Treasurer Broome, of the Chamber of Commerce, and not long afterwards, as a result of that first case, a partnership with his son, William T. Broome; from whom, in a certain long document filled with legal instructions, Colonel Burr once requested "two Phials of Mrs. Lamb's eye water," and the *Letters and Observations to Burke*, "if they are neither by Pane, Priestley, Towers or Loft."

The restrictions against Tory lawyers were still in force—they were not to be raised until 1786—the Whig members of the profession had the field to themselves. For a Cozine and a Kent, a Hoffman, a Jay and a Troup, for a Hamilton and a Burr, there was money to be made in the little town of twenty-two thousand inhabitants.

2

There were at least five of them in the Verplanck house—the three Prevost daughters are no longer traceable at this period—Colonel and Mrs. Burr, the two Prevost boys who had some time since resigned their commissions in the British army and become American citizens, and in whom their step-father always took the most affectionate interest, and the baby, a rather delicate baby, Theodosia Bartow Burr. She had been born in Albany, on June 21, 1783, and was, consequently, just five months old upon her arrival at New York. "Providence," Mrs. Burr had written to Tapping Reeve on August 19, "smiled upon our wishes, and on the 21st of June blest us with a lovely daughter . . . and will you believe me Reeve, when I tell you the dear little girl has the

eyes of your Sally, and promises to be as handsome; I would also have given her her name; but Burr insisted on calling her Theo—assure my sister from me that I submitted with the greatest regret." But in the house at 10 Little Queen Street, or Maiden Lane, to which they had moved by 1786, there were six of them; for while it has almost invariably been said that—except for two boys stillborn in 1787 and 1788—Theodosia was the only child of the Burr marriage, it is evident that they had another daughter, the Sally concerning whom so much mystery has been made.

A child born in 1784 or 1785, since the Burrs' letters from 1785 to 1788 are filled with references to her, to "our children" and to "the girls." In September, 1785, "Theodosia and Sally in perfect health"; in 1787, "our two pledges have . . . been awake all evening. I have the youngest in my arms. Our sweet prattler"—four-year-old Theo—"exclaims at every noise 'There's dear papa,' and runs to meet him." The last of these references to her seems to be in June, 1788, when the Colonel wrote Mrs. Burr to "kiss our dear children"—and then, on October 12, 1788—for the date of 1786 given in Mr. Todd's appendix in which the letter occurs is quite obviously a typographical error—he was writing to Tapping Reeve that "we have lost our youngest child, our Sally, a beautiful lovely Baby."

So that in 1789, when they moved to the house on the corner of Nassau and Maiden Lane—an elegant house celebrated for its garden and grapery, in which Mrs. Burr struggled with the bibulous moods of the servant girl, Hannah—there were only five of

them again. They moved once more, in 1791, to 4 Broadway, and now Theo, or Miss Prissy as they called her, was the pet of the household; a beautiful, plump little girl who adored her big half-brother Frederick and showed for her father an attachment which was "not of a common nature," so that when he was away she could not "hear you spoken of without an apparent melancholy; insomuch that her nurse is obliged to exert her invention to divert her, and myself avoid to mention you in her presence"; a bright, rosy bumptious little girl, full of fibs and pranks, who hated cats quite as much as she loved green apples.

3

While his wife and daughter lived—as though to compensate for its brilliance Colonel Burr's star had been set in an orbit of fantastic disasters—he was to be the most fortunate of fathers, the very happiest of husbands. For some ten years his law business and his official activities took him away constantly on prolonged absences—travelling sometimes so arduously by means of "a variety of changes from sloop to wagon, from wagon to canoe, and from canoe to sloop again"—and in the correspondence which he exchanged with Mrs. Burr during these periods one may obtain a slight revelation of the affection and devotion which enveloped him in his home, some conception of the respect and admiration which he had been capable of inspiring in those most familiar with his character and person.

"O, my Aaron!" Mrs. Burr would tell him. "How

many tender, grateful things rush to my mind in this moment; how much fortitude do I summon to suppress them! You will do justice to their silence, to the inexpressible affection of your *plus tendre amie.*" She was "beyond expressions" his Theodosia, with "ten thousand loves, *toujours la votre,*" four days of his absence was "an age to come." In 1783, a few weeks after little Theo's birth, "how unfortunate, my dearest Aaron, is our present separation. I shall never have resolution to consent to another. We must not be guided by others. We are certainly formed of different materials. . . . I will only put an injunction on your riding so fast, or in the heat, or dew. Remember your presence is to support, to console your Theo. . . . Some kind spirit will whisper to my Aaron how much his tender attention is wanted to support his Theo; how much his love is necessary to give her that fortitude, that resolution, which nature has denied her but through his medium."

A year later, "my Aaron had scarce quitted the door when I regretted my passiveness. Why did I consent to his departure . . . my Aaron, dark is the hour that separates my soul from itself. . . . Heaven protect my Aaron; preserve him, restore him to his adoring mistress. . . . Love in all its delirium hovers about me; like opium, it lulls me to soft repose! Sweet serenity speaks, 'tis my Aaron's spirit presides. Surrounding objects check my visionary charm. I fly to my room and give the day to thee." And again, "I pursued thee yesterday, through wind and rain, till eve, when, fatigued, exhausted, shivering, thou didst reach thy haven,

surrounded with inattention, thy Theo far from thee. Thus agitated, I hid my head upon a restless pillow, turning from side to side when thy kindred spirit found its mate. I beheld my much loved Aaron, his tender eyes fixed kindly on me; they spoke a body wearied, wishing repose, but not sick. This soothed my troubled spirit; I slept tolerably, but dare not trust too confidently . . . naught but thy voice can tranquilize my mind. Thou art the constant subject of love, hope and fear."

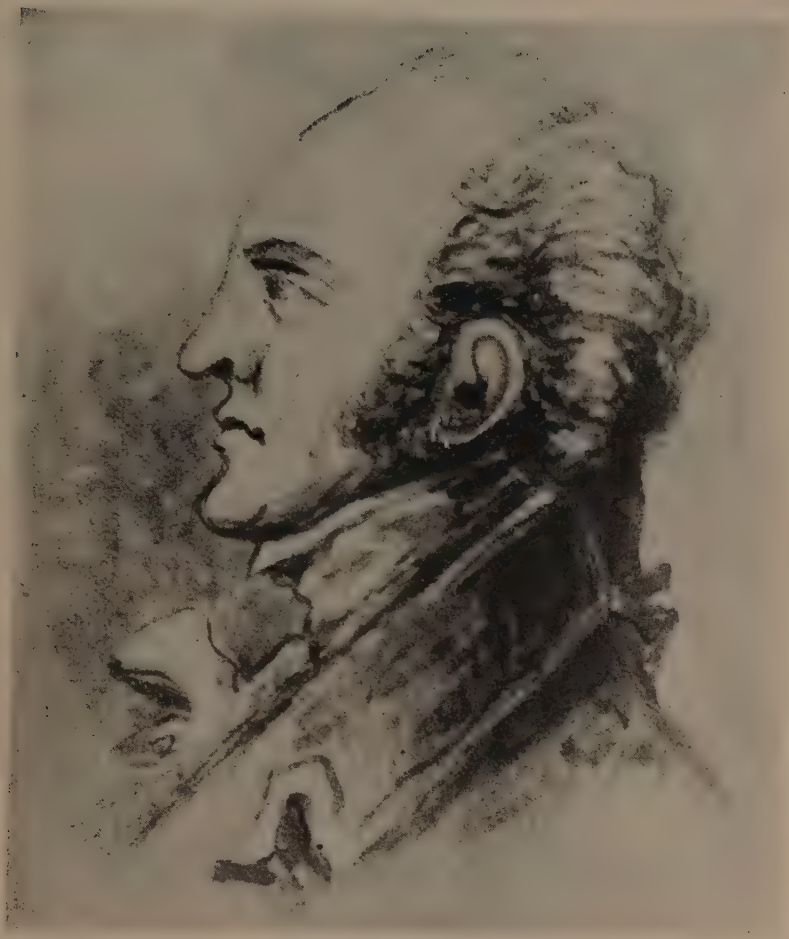
And when his letters came, she put them on the mantelpiece for the children to find. "The surprise, the joy, the exclamations exceed description. The greatest stoic would have forgot himself. A silent tear betrayed me no philosopher. . . . We talked of our happiness, of our first of blessings, our best of papas. I enjoyed, my Aaron, the only happiness that could accrue from your absence. . . . Your letters always afford me a singular satisfaction, a sensation entirely my own. . . . My Aaron, it was replete with tenderness, with the most lively affection. I read and reread, till afraid I should get it by rote, and mingle it with common ideas; profane the sacred pledge. No, it shall not be; I will economize the boon. I will limit the recreation to those moments of retirement devoted to thee. . . . Thy Theo waits with inexpressible impatience to welcome the return of her truly beloved. Every domestic joy shall decorate his mansion. When Aaron smiles shall Theo frown? Forbid it every guardian power. . . . All count the passing hours till thy return. . . . Hasten to share the happiness of thy much loved and loving Theodosia."

One is in the presence, surely, of another attachment which was "not of a common nature."

4

And the Colonel's letters were equally affectionate, though cast in the periods of a more restrained sentiment, a less demonstrative devotion. He read her "memorandum ten times a day, and observed it as religiously as ever monk did his devotions. Yesterday I burnt it. To me it seemed like a sacrilege." He had been "to twenty places to find something to please you, but can see nothing that answers my wishes; you will therefore, I fear, only receive your affectionate A. Burr." He had received her "kind, your affectionate, your truly welcome letter of Monday evening. Where did it loiter so long? Nothing in my absence is as flattering to me as your health and cheerfulness. I then contemplate nothing as eagerly as my return; amuse myself with ideas of my own happiness; and dwell on the sweet domestic joys which I fancy prepared for me." She had begun to "haunt me daily more and more. I really fear I shall do little justice to the business which brought me here."

In fact, "You may judge with what reluctance I engage in a business which will detain me so long from all that is dear and lovely. I dare not think of the period I have yet to be absent." The "eloquence" which wrought upon him to accept all this labor "was principally money. I am now at wages. What sacrifices of time and pleasure do I make to this paltry object—contemptible indeed in itself, but truly important and attractive as the means of



AARON BURR

From the sketch by St. Memin, the original of which is now lost.

gratifying those I love. No other consideration would induce me to spend another day of my life in objects in themselves uninteresting, and which afford neither instruction nor amusement." And later on, again, when he was at Philadelphia, "if I had, before I left New York, sufficiently reflected on the subject, I would never have consented to this irrational mode of life"; she must come at least to Trenton, "arrange it as you please, provided I see you somewhere and soon."

And he was "delighted to find that you anticipate as a pleasure that . . . you may write as much as you please. If you set no other bound to your pen than my gratifications you will write me the history every day, not of your actions only (the least of which will be interesting) but of your thoughts. I shall watch with eagerness and impatience the coming of every stage. Let me not be disappointed; you have raised and given confidence to these hopes." Her letters, by "their ease, their elegance, and above all the affection they contain, are truly engaging and amiable"; and when they did not come, "I have lived these three days upon the letters I expected this evening, and behold the stage without a line! I have been through the rain, and dark, and mud, hunting up every passenger to catechise them for letters, and can scarce believe that I am so totally forgotten."

And sometimes enthusiasm overcame his stoicism, and a lyric sentimentality betrayed the customary simplicity of his style. "Oh Theo!" he told her in August, 1788, "there is the most delightful grove—so darkened with weeping willows that at noonday a

susceptible fancy like yours would mistake it for a bewitching moonlight evening. . . . Here no rude noise interrupts the softest whisper. Here no harsher sound is heard than the mild cooings of the gentle dove, the gay thresher's animated warbles, and the soft murmurs of the passing brook. Really, Theo, it is charming. . . . From this amiable bower you ascend a gentle declivity. . . . Here nature assumes a more august appearance. . . . Here you behold the stately Mohawk roll his majestic wave along the lofty Appalachians. . . . What there was tenderness, here swells to rapture. It is truly charming." The windings of the brook formed "a lovely island, variegated by the most sportive hand of nature. This shall be yours. We shall plant it with jessamines and woodbine, and call it Cyprus. It seems formed for the residence of the loves and the graces, and is therefore yours by the best of titles. It is indeed most charming."

5

But sometimes, again—more frequently, perhaps, than appears—she got on his nerves, and he flew into impatient tempers at her; with a brutality of patronizing sarcasm, an astonishing indulgence of discourtesy—the spontaneous explosions of a nature dangerously arbitrary and abrupt, of a character fundamentally self-centered and aggressive—strikingly revealed in an unpublished letter which he sent her in June, 1791, and in which he told her that "I received your letter of the 15th of June. . . . It is truly one of the most stupid I had ever the honor to receive from you—that of the 16th by Judge

Hobart I did not receive till Saturday, it was very acceptable as a short note written in haste. . . .If your pride is wounded by a Confession (as you term it) of the nature of that contained in this last letter, I should recommend to you to suppress not only your Confessions but your letters. If it was merely an expression without meaning it was neither kind nor seasonable.

"You have truly made hack horses of those unfortunate Greys, they have been hard driven in every letter—I did not, that I recollect, express a wish on the subject or even directly recommend it—but merely suggested it as a thing of present convenience untill something better could be done—this surely does not merit so much spleen. I wished only to please yourself—as to the Bays, if they answer your purpose I am satisfied. Johnson . . . says he knows the man, who is a great Raschall, and the horses which are about fifteen years old and one of them, he suspects, spavined. . . . The reasons for which you say you declin'd the proposed meeting at Albany convince me indeed of your Inclinations on the Subject but not of the Impracticability of the plan—since it is not to your apprehension a party of pleasure, I have deceived myself, and the Motive fails."

Aside from that, "you appear to promise yourself great benefit from certain medecines, but do not say that you are actually in the use of them or that you experience any positive good effects from them; pray be more explicit on this head which is particularly interesting to Yr. Affec. A. B."

She was perhaps difficult to get along with; she

was still ten years his senior; she was increasingly an invalid; she had a great many relatives who came to stay, perhaps too often, at the house—"You have a really Distressing family," he remarked in the same letter, "I hope it has by this time diminished"—in spite of her intellect and grace, she seems at times to have been a little footless, a little hysterical, a little silly even; enough to have exasperated the petulant intolerances within him, to have offended the frigid judgments of his intensely critical and fault-finding mind. Indeed, it is a question whether she was not a little deranged. "My [constitution] is quite worn out," she once wrote to Tapping Reeve, "and my spirits entirely exhausted, my mind and memory much impaired; I believe I have been as near a state [of] insanity as possible, indeed there are hours in which I am confident it still threatens me; how often do I wish the conversation of my friends to relieve those horrors that can never be described. . . . I pass many succeeding lingering hours . . . in the morning I wake with regret —at night I lie down with the hope of never waking to the disappointments of another day."

She died, of cancer, on May 18, 1794, after a prolonged illness during which he would have resigned the seat in Congress which he was then occupying, but little Theo sent him word that "Ma begs you will omit the thoughts of leaving Congress." At the end, she was not thought to be in any immediately critical condition, and it was in Philadelphia that the Colonel received the news that she had expired.

"I came here on Tuesday last," he wrote to

Timothy Edwards, "having been summoned by an express which brought me at Phila. the afflicting news that my once amiable and accomplished wife had died on the Sunday preceding. Though her situation had long been considered as helpless, yet no apprehension was entertained of any immediate danger until a few hours before her death; she then sank calmly and without pain into her last sleep. My little daughter though much afflicted and distressed, bears the stroke with more reason and firmness than could have been expected from her years."

Whatever little irritations she may have caused him, there passed from his life, with the death of the elder Theodosia, a great influence for good, the loss of which was perhaps to be responsible for many fatal things that came to pass. There were gone from him now the wisdom of a prudent guidance, the serenity of a profound domestic happiness, the contentment of an inspiring devotion. Alone, there remained to him only his own restless spirit, his breathless industry which must find occupation, his solitary ambition which must be served; with her at his side, there would have been a steadying restraint, a consoling refuge in misfortune and disappointment—he would, it may be, have never come to Blennerhassett's Island. . . .

CHAPTER III

MISS PRISSY

I

THERE remained, always, the little Theodosia.

A little girl, who, at the age of ten, in 1793, was reading Horace, Terence and Lucian and preparing to begin Homer and Virgil, studying Gibbon and the Greek grammar, discussing philosophy and political economy, speaking German and French, playing the harp and the pianoforte—on an elegant instrument purchased at Philadelphia for thirty-three guineas—and learning to ride, to skate and to dance. A little girl surrounded by tutors—Mr. Martell, Mr. Gurney, Mr. Hewlett, Mr. Leshlie, Mr. Chevalier, Mr. de St. Aivre—who, in 1791 already, had been ciphering "from five in the morning until eight, and also the same hours in the evening," although Mrs. Burr herself thought that she could never "make the progress we would wish while she has so many avocations"; and for whom her father proposed "two or three hours a day at French and arithmetic," while he found it difficult, a year later, "because she reads so much and so rapidly . . . to find proper and amusing French books for her . . .

an intelligent, well-informed girl nine-years old." A pitiful little prodigy, one would have been tempted to say.

Colonel Burr, with his ancestry of dominies and pedagogues, his own youthful precocity and his phenomenally enduring powers of industry, would have made a terrifying schoolmaster. He had a passion for instruction and criticism, a mania for regulation and correction; he must always be telling people what to do and how to do it, what to read and how much of it, what to think and why; his standards of education were those of an unnaturally advanced mind, drawing upon the physical and nervous resources of a body trained to abstemious self-abnegation and severity.

For Mrs. Burr, who was not without certain mental attainments of her own, he thought nothing of laying down a course of reading in the forty-fifth year of her age. "You have often wished for opportunities to read," he wrote to her. "You now have, and, I hope, improve them. I shall be glad to know how your attention is directed. Of the success, I have no doubt." And then he told her the books he *desired* her to read. In Gibbon she must never pass a word she did not understand, and she must make notes at the end of each chapter. "If you have never read Plutarch's lives (or even if you have) you will read them with much pleasure. . . . If you read [Paley's *Philosophy of Natural History*] be sure to make yourself mistress of all the terms. But, if you continue your Gibbon, it will find you in employment for some days. When you are weary of soaring with him, and wish to descend into common

life, read the Comedies of Platus. . . . I cannot, I fear, at this distance, advise you successfully; much less can I hope to assist you in your reading. . . . Your complaint of your memory . . . contains nothing discouraging or alarming. I would not wish you to possess that kind of memory which retains with accuracy and certainty all names and dates. I never knew it to accompany much invention or fancy. It is almost the exclusive blessing of dulness. The mind which perceives clearly adopts and appropriates an idea, and is then enlarged and invigorated."

And when it came to little Theo's education and upbringing, Colonel Burr took complete personal charge of these matters, and, wherever he might be or however occupied—at Albany, at Philadelphia in the Senate—dictated to his wife, who had had some five children of her own before he had matriculated at Princeton, the exact details of a meticulous supervision covering not only his daughter's lessons, but also her deportment, her handwriting, the diary over which he made so much fuss, and the very clothes that she wore—how long this should be, how thick the other. The child's life was all schedule, method and routine. Colonel Burr's schedule, method and routine.

2

There seem to have been two fundamental principles in his pedagogy of the mind and body. "That mind," he told Mrs. Burr, "is truly great which can bear with equanimity the trifling and unavoidable vexations of life, and be affected only by those

which determine our substantial gains." Fortitude, hardihood, temperance, stoicism—those were the qualities to which he most aspired himself, and those Theo must acquire, through a diet of austere bread and milk for breakfast, subsequent upon nights spent alone in the dark of some remote part of the house. No fears, no nerves, no emotions, no self-indulgence. It is all vastly significant, really, since Theo was in so many ways himself; more than his mere flesh and blood, the product of his mind, the creation of his spirit, the apotheosis of his intellect. The mirror of his chosen attributes.

And on the other hand, "cursed effects of fashionable education of which both sexes are the advocates and yours the victims!" he exclaimed on another occasion to his wife. "If I could foresee that Theo would become a mere fashionable woman with all the attendant frivolity and vacuity of mind, adorned with whatever grace or allurement, I would earnestly pray God to take her forthwith hence." She must have pose, dignity, self-control a habit of profound thinking and serious conduct. "But I yet hope, by her, to convince the world what neither sex appears to believe, that women have souls." She was, then, to be an experiment.

It all became crystallized in his mind in February, 1793. "It was a knowledge of your mind which first inspired me with respect for that of your sex," he explained to Mrs. Burr, "and with some regret, I confess, that the ideas which you have often heard me express in favour of female intellectual powers are founded on what I have imagined, more than what I have seen, except in you. I have endeav-

ored to trace the causes of this rare display of genius in women, and find them in the errors of education, of prejudice, and of habit." And then—"You have heard me speak of a Miss Woolstonecraft . . . she has also written a book entitled 'Vindication of the Rights of Woman.' I had heard it spoken of with a coldness little calculated to excite attention; but as I read with avidity and prepossession everything written by a lady, I made haste to procure it, and spent the last night, almost the whole of it, in reading it. Be assured that your sex has in her an able advocate. It is, in my opinion, a work of genius."

Mary Wollstonecraft—along with the Colonel, apparently—was one of the first of the feminists. If she was not popular in 1793, it was because she ventured the theory that women had rights, whereas, at the time, they were only expected to have charm, and that their capacity for absorbing education was as great as, if not superior to, that of men. Girls should be trained, mentally, as carefully as boys, and would be found to be just as responsive. Colonel Burr sat up most of the night reading that, and Theo's intellectual doom was sealed. She should be treated like a boy, like a boy of Colonel Burr's—and perhaps, in his heart, he wished that she actually had been one. . . .

3

Theo lacked a month of her eleventh year when her mother died, and from then on the Colonel assumed an even closer control of her existence, exercised

through a correspondence in which the solicitous, and often critical and fretful attitude of the father was never for a moment relaxed. He was never satisfied; her diary, it was never complete enough; her letters, they were never long enough, they never came often enough, they were frequently not attentive enough to his interminable catechisms, their orthography and choice of words were not fastidious enough—"never use a word which does not fully express your thoughts, or which for any reason does not please you. Hunt your dictionary till you find one. Arrange a whole sentence in your mind, before you write a word of it; and, whatever may be your 'hurry' (never be in a hurry) read over your letter slowly and carefully before you seal it."

At the same time, had she done this, had she read that, could the next Latin lesson not be increased, was she making a proper progress with her Greek, why was she so lazy and remiss—until the child herself actually complained pathetically of her own shortcomings and drew from him an exclamation that "you must not 'puzzle all day,' my dear little girl, at one hard lesson. After puzzling faithfully one hour apply to your arithmetic, and do enough to convince the Doctor that you have not been idle." And did she realize that her last letter had not been fit to show to anyone—she was an exhibit, evidently, an instrument of pride—although one of them had been splendid, and he had passed it around with keen satisfaction, *after changing a misspelled word.* One could not ask, perhaps, for a more significant revelation of his inmost nature. She must be perfect—since she was his handiwork, her per-

fection his obsessing ambition—and for that great end deceit and insincerity were acceptable and meet.

And in case she should dine with Mrs. Penn—at the time, perhaps, of her sojourn at school in Philadelphia—"I will apprise you of one circumstance by a trifling attention to which you may elevate yourself in her esteem. She is a great advocate for a very plain, rather abstemious diet in children. . . . Be careful, therefore, to eat of but one dish, that a plain roast or boiled, little or no gravy or butter, and very sparingly of dessert or fruit; not more than half a glass of wine. . . . If they ask a reason, 'Papa thinks it is not good for me' is the best that can be given." And concerning her countenance, "there is nothing more certain than that you may form what countenance you please. An open, serene, intelligent countenance, a little brightened by cheerfulness, not wrought into smiles or simpers, will presently become familiar and grow into habit. A year will certainly accomplish it. Your physiognomy has naturally much of benevolence, and it will cost you much labor (which you may well spare) to eradicate it. Avoid, forever avoid, a smile or sneer of contempt, never even mimic them. A frown of sullenness or discontent is but one degree less hateful. You seem to require these things of me, or I should have thought them unnecessary."

One may read into Colonel Burr's correspondence with his daughter what one will; his desperate care for an only, motherless child, or the sudden, distressing picture of an almost inhuman personality forever demanding the success of an experiment, and

probing impatiently into its little failures and delays. One may see merely an anxious, over-eager parent, or the shadow of a ruthless intellectual fanatic, in whom affection was inextricably confused with vanity. That in Theo he found every gratification which his mind and heart desired is incontestable. At the age of fourteen, already, she was perhaps the most cultured and accomplished young woman of her day, celebrated from Albany to Philadelphia for her dignity and charm, and for the brilliant quality of her erudition. And throughout her life she adored him, she idolized him, she cherished him.

"The happiness of my life," he, for his part, assured her, "depends on your exertions; for what else, for whom else do I live? Not that the acquisition of the languages alone can decide your happiness or mine; but if you should abandon the attempt, or despair of success, or relax your endeavors, it would indicate a feebleness of character which would dishearten me exceedingly. It is for my sake that you now labour."

4

And the fourteen-year-old child—but she was no longer a child, she had not been one, indeed, for many years—had now other duties to perform; in the new town house at 30 Partition Street, and at the country estate in Greenwich.

One went to Greenwich by the shore road; or from the Bull's Head Tavern at Chatham Street and the Bowery Lane, through the Monument Lane, past Brannon's Tea Garden where such excellent ices were served, to Baker's Tavern in the village; along

by the Collect Pond, or over the marshy, duck infested stretches of Lispenard's Meadows, and across the Minetta Brook to that pleasant hamlet some two miles distant from the town, the good, clean, country air of which was so famous as a refuge from the plague. And there—on a wooded eminence between the meadows and the brook, overlooking "the noble Hudson bearing upon its bosom the fruitful productions of the adjacent country"—the Colonel had, in 1791, leased from the Episcopal Church the house and grounds of Richmond Hill; on the spot now represented by the city block encompassed by King, Varick, Charlton and McDougal Streets.

It was the house in which he had once served so briefly as aide to General Washington; a noble house with lofty chambers and mahogany staircases, adorned with a portico of Ionic columns, set in the midst of spacious lawns and shrubberies against a background of splendid oaks and cedars—"three hundred and sixty Lotts," Colonel Burr specified in 1799, "exclusive those occupied by the house buildings and Garden—the Lotts are supposed to be worth from one hundred to three hundred pounds—the lowest Sale has been for 100£—the highest for a single lot abt. 400£—the House and improvements are valued at £12000."

Built in 1760 by Sir Abraham Mortier, Commissary to the British army, and considered "vastly fine" by Lord Jeoffrey Amherst and his other friends, the house had been occupied in 1789 and 1790—during the sojourn of Government at New York—by Vice President and Mrs. John Adams who

THE RICHMOND HILL MANSION

found it surrounded by "fields beautifully variegated with grass and grain," shaded by venerable trees in which "a lovely variety of birds" serenaded them "morning and evening, rejoicing in their liberty and security," while "in front of the house the noble Hudson rolls his majestic waves"—this was Abigail Adams at her stateliest!—"bearing upon his bosom innumerable small vessels which are constantly forwarding the rich products of the neighboring soil to the busy hand of a more extensive commerce." Colonel Burr, who ever since the Washington days had been very fond of the place, spent money on it freely, improving, enlarging, planting, putting up gateways, and widening his part of the brook into a lake always known as Burr's Pond; in preparation for the copious, and frequently extravagant, hospitality which he was to dispense with so careless a hand—for the Colonel was not always so prompt with his bills, and old Peggy, the housekeeper, had her troubles.

In fact, with all his order and routine, the Colonel was always in difficulties over financial matters; his patrimony had been spent on his soldiers—the circumstance is worthy of remembrance—his earnings vanished in ill-considered entertainment; he did not know how to safeguard, how to lay aside money. Indiscriminate generosity with its attendant burden of accumulating debt were to be, in a measure, the cause of his ultimate downfall. In spite of his handsome lawyer's fees, loans and notes furnished the refrain of much of his correspondence. "Dear Sir," he wrote to Colonel John Nicholson in 1794, "herewith will be paid you two thousand

five hundred and fifty Dollars to be applied to the discharge of my larger note. I beg to know whether it will be convenient for you to allow the other to be renewed . . . for about ninety days." And to Marinus Willett in 1795, "Mr. Strong will present you my four notes together am'g to Ten thousand Dollars, which I beg the favor of you to endorse, being for my accommodation only." And the same year to Pierrepont Edwards, "if you should succeed in a loan remit the proceeds to R. Strong. I shall be content with 15 [per cent?]"—borrowing, evidently, from Peter to pay Paul.

And friendship sometimes suffered, as appears from a later unpublished letter to Colonel Nicholson, in 1795. "Sir, the suit of which you enquired has been instituted for the Amt. of the Note which I paid to one of your banks and for which I have no other evidence or security than your bare acknowledgment. I perceived in this measure no possible injury to your feelings or your interest; if it should have impressed you differently and you will point out my error, the process shall be discontinued. An acquaintance, which commenced in good will and subsisted with friendship, shall never by my fault terminate in hostility. You cannot be ignorant that I am distressed for money, but my sympathy with your misfortune is too sincere to allow me, from any personal considerations, to add a particle to the weight. On the contrary if it is in my power to render you any service, you may command me with a reliance on my prompt attention, for I am persuaded that you never meant to deny much less to injure me."

5

Indeed, it is from a bill of sale, in June, 1797, covering the Mansion House situated "on the Farm and piece of Land belonging to the said Aaron Burr, in the fourth ward of the City of New York"—drawn up in favor of Sir John Temple, the British Consul General, in consideration of thirty-five hundred dollars, "current money of New York," presumably as security for a loan—that one may obtain a picture of the furnishings and adornments of Richmond Hill.

The "Hall Below Stairs," covered with "patent oil cloth," hung with "views"—*Apollo and the Muses on Mount Parnassus*, no doubt—and containing two "sophas in hair cloth," fourteen mahogany arm-chairs, a hall lamp with tassels, and two wine coolers. The drawing room, or Blue Room, provided with Venetian blinds—a feature of the house—carpeted with an "elegant Turkey carpet" with a green border, and an additional "carpet of Blue Bags to cover the turkey red," supplied with a mirror, two chintz cabriole sofas, two "recess pieces," twelve hair-bottomed mahogany chairs, and two inlaid card tables. The dining room, with its two rugs, green baize and Brussels, its dimity sofa and twelve rush-bottomed chairs, its marble side table, and its dining tables "with ends." The breakfast room with fire place, satin haircloth sofa and French lyre-back chairs. The "Hall up Stairs," all painted chairs and card tables; the bedrooms, the Blue—evidently the Colonel's, with a "field bedstead and curtains" and a single chair—the White—Theo's probably, and a

fluted post bedstead, wool mattress, feather bed, rose blanket and cotton counterpane—the Small, the West Corner, or Little, and the "Garrett;" the Gallery, with its ten windows, which must have housed the Colonel's celebrated paintings—his Copleys, and Wests, and Stuarts, and at a later date his Vanderlyns; his portraits of Gallatin, Talleyrand, Red Jacket and Mary Wollstonecraft; his European madonnas and goddesses.

And the library, perhaps the most important room of all. A wide fireplace, an Ingrain carpet, some pictures; twelve chairs and a "direct sopha;" two library tables, a paper table and a reading table on casters; an "elegant traveling case of tea caddies, bottles, etc.," and two Dutch liquor cases. A noble room. And the books. Gibbon, and William Godwin, and Jeremy Bentham; the novels of Miss Burnett and the works of Mary Wollstonecraft; the *Edinburgh Review* and other foreign quarterlies; philosophy, history, political economy and the classics; shipload after shipload from the presses of England and France; and perhaps, in a corner, *The Power of Sympathy, or the Triumph of Nature*, the "first American novel"—but probably not. Some manuscripts of Theo's, certainly, her essays, her translations of political treatises. A notable assembly of volumes, the Colonel's especial pride and delight—and a cause of constant expenditure, no doubt —the fame of which brought scholars and travelers to his door to seek the sedate luxury of his "direct sopha," while the elegant traveling case rolled discreetly by. . . .

6

Such, with its dairies, and laundries, and stables, its gardens and outhouses, was the establishment which Theo was called upon to conduct, certainly in her fourteenth year, perhaps earlier, as a city directory of 1793 lists Aaron Burr as already actually residing at Richmond Hill—but they would have gone there in any case that summer, whether the house was ready or not, to escape the yellow fever which was raging, and the bells, and bonfires, and musketry with which contemporary science strove to combat the epidemic. With Peggy to help her, and the impeccable Alexis, and the retinue of grooms and servants, Theo had the management of this considerable household, the ordering of its routine, the storing of its supplies, down to the barrels of salted salmon—assuming the directory to be correct —to which the invalid and at that date quite inactive Mrs. Burr was so partial. "There is nothing of which Mrs. Burr is so extravagantly fond," the Colonel wrote to Mr. Wadsworth. "If a whole barrel could not be conveniently procured a lesser quantity must answer. But Mrs. Burr who thinks only of eating them and not of the trouble of getting them will not think of less."

And Theo entertained, she was hostess of the Mansion, she presided at her father's table, with her long curly hair cut in a bang across the forehead; and in the presence of her father's many distinguished guests, Americans of note and stately foreigners—Talleyrand, Volney, Louis Philippe, Jerome Bonaparte, the members of that polished

circle of French *émigrés*, fugitives in America from the upheavals in France, whose society he so particularly relished—she conducted herself always with a dignity and grace, an elegance and *savoir faire*, and a refinement of intelligence, which enthralled them and were the envy of other older belles.

Sometimes, indeed, she entertained alone; as on that occasion in 1797 when a letter from Colonel Burr informed her that "this will be handed to you by Colonel Brant, the celebrated Indian Chief. . . . Receive him with respect and hospitality. He is not one of those Indians who drink rum, but is quite a gentleman; not one who will make you fine bows but one who understands and practices what belongs to propriety and good breeding." Theo was a little flabbergasted, but as her father was always saying, "There are many different kinds of meat, but only one kind of gravy." She received her visitor with every courtesy, and gave him a big dinner of sixteen covers, including Doctor Hosack and the Bishop of New York; to which he came, all six feet of him in full feather, one hopes—Thayendanegea, which signified Two Sticks of Wood Bound Together, Captain of the Six Nations and Chief of the Mohawks—and behaved like "a most Christian and civilized guest in his manners." After all, Thayendanegea had been to London. And not long afterwards, when she was on a journey to Niagara, he entertained her in return, and received her royally at Grand River where he was King. . . .

And if she had any time to spare, she played with Katie Brown—"the Spoilt Beauty" who was the daughter of Mrs. Burr's half-sister—and with Nat-

THEODOSIA BURR

From the original portrait by Stuart in the possession of Miss Annie Burr Jennings, now reproduced for the first time.

alie de Delage de Volade, a little French girl whose family had been scattered by the revolutionary disaster to the household of the Princesse de Lamballe, and whom Colonel Burr had taken into his home as a companion for Theo; she went driving with her governess, Madame de Senet, obeying her father's instructions to "take it for your rule to visit only the families which you have known me to visit. . . . This direction . . . applies only to citizens of English families. You may, indeed it is my wish that you should, visit with Madame de S. all her French acquaintances."

The Burrs had not gone out much into society; Mrs. Burr had little inclination for the world; during the brilliant though brief era which saw New York the national capital, when all that there was of elegance in the town—led by Mrs. Jay, and Lady Kitty Duer, and Mrs. Livingston, and Mrs. Alexander Hamilton, and "a great number of other respectable characters"—presented itself at Lady Washington's "court" in the McComb mansion, the Burrs do not seem to have availed themselves of this source of recreation—if anything connected with His High Mightiness, as they tried at first to call him, George Washington could possibly have appealed to the Colonel in such a light; it is not likely that they even attended the Marquis de Moustier's great ball, in 1789, at which, in the supper room, the whole wall "was covered with shelves filled with cakes, oranges, apples, wine of all sorts, ice creams, etc., and highly lighted up."

And Theo, herself, as she grew up, was more likely to take her horse and go riding through the country-

side which she loved so well, terrifying the rustics with her daredevil leaps. To Ranelagh and the Belvidere Club, on the East River, to see the view; and up to Marriner's Tavern at Harlem where one went on picnics, and which had once been the Morris Mansion and was now, in a not far distant day, to become the home of a certain Madame Jumel. Or just along the sandy roads through the woods, up and down dale, and home again at dusk.

Richmond Hill and Theodosia—Colonel Burr was never to meet with happier days. . . .

CHAPTER IV

GENTLEMEN OF THE JURY

I

COLONEL BURR'S law practice had steadily increased—in alliance with various partners, Mr. Broome, Mr. Coleman—and it was not long before he was one of the leaders of the New York bar, appearing frequently before the Appellate Court to argue causes at the invitation of his colleagues, for which he received very substantial fees. "I have never undertaken the management of a cause of any Amount in Error under £40," he told Peter Van Schaack in 1790; annual receipts of more than twenty thousand dollars accrued to the firm of Burr and Broome; and he is known to have once been paid ten thousand dollars for a single case.

The two Prevost boys worked for several years in his office, and acquired a reputation for diligence and devotion to their employer; "the boys very attentive and industrious," Mrs. Burr was always writing her husband. "Bartow never quits the office—Bartow's industry and utility are striking to the family and strangers." The Colonel himself was their inspiration and example, and prepared his

cases with a thoroughness and painstaking labor which earned him the gratification of many favorable verdicts, and the admiration, not unmixed with a very considerable envy, of other members of the profession. "His distinguished abilities," the English traveller, John Davis, wrote of him, "attracted so decided a leaning in his favour, a deference to his opinions so strongly marked, as to excite in no small degree the jealousy of the bar. So strong was this impression made by the general respect for his opinions, that exclamations of despair were frequently heard to escape the lips of counsel whose fortune it was to be opposed by the eloquence of Burr. I am aware that this language wears the colour of panegyric, but the recollections which the facts must excite in the breasts of his candid rivals will corroborate its accuracy."

In court, Colonel Burr was a whirlwind of technical precisions, an adroit demonstrator of significant facts, an astute contriver of legal pitfalls for his opponents, a fascinating, compelling persuader of juries. He stood erect and military, making the most of his five feet and six inches, a graceful, meticulously groomed figure, polished and courtly, the dark eyes shining in a countenance of striking nobility—and when he spoke, there was silence in the courtroom. . . .

2

He came, of course, in constant contact with Alexander Hamilton. The two men shared a record of exceptional military service; there was between them the mutual attraction of a high intellectual

attainment; a friendly social intercourse, oblivious to political distinctions, united the two families; the daily concerns arising from their common profession brought them frequently together. Of the two, Hamilton was perhaps the more profound, the more erudite, the more long-winded; Burr the more superficial, the more concise and the more successful. When they met, as they often did, on opposite sides of a case, it was Hamilton who had need to look to his laurels, to fortify himself against defeat. It was Burr who could say as much in half an hour as it took Hamilton two hours to establish. And it was Hamilton who was sometimes obliged to ask favors of his rival, because his own procedure had "rendered me culpably negligent"; although on occasions it was the Colonel who was in the wrong, so that Mr. Hamilton must write him that "I observe in your warrant of Attorney a new error. You add the Shillings and pence to the penalty whereas they belong to the condition. The penalty is simply personal."

"Colo. Hamilton," so Major William Pierce saw the West Indian in 1787, "is deservedly celebrated for his talents. He is a practitioner of the Law, and reputed to be a finished Scholar. To a clear and strong judgment he unites the ornaments of fancy, and whilst he is able, convincing and engaging in his eloquence the Heart and Head sympathize in approving him. Yet there is something too feeble in his voice to be equal to the strains of oratory; it is my opinion that he is rather a convincing Speaker [than] a blazing Orator. Colo. Hamilton requires time to think—he enquires into every part of his subject

with the searchings of philosophy, and when he comes forward he comes highly charged with interesting matter, there is no skimming over the surface of a subject with him, he must sink to the bottom to see what foundation it rests on.

"His language is not always equal, sometimes didactic like Bolingbroke's, at others light and tripping like Stern's. His eloquence is not so defusive as to trifle with the senses, but he rambles just enough to strike and keep up the attention. He is about thirty-three years old, of small stature, and lean. His manners are tinctured with stiffness, and sometimes with a degree of vanity that is highly disagreeable."

A vanity which was to suffer a good deal, perhaps, in the course of varied encounters with his great contemporary. . . .

3

On two occasions at least, they were retained together in important litigations, in which their combined efforts were rewarded with favorable decisions. One of these, the case of the People against Levi Weeks, in 1800, was perhaps the most celebrated affair of its day, and aroused an intense public interest throughout the community. It was, in fact, one of the earliest of New York's mystery murders.

On December 22, 1799, Gulielma Elmore Sands, commonly and perhaps none too virtuously known as Elma Sands, had left her home on Greenwich Street, never to return alive. On January 2, 1800, her body was discovered at the bottom of the Manhattan Well in Lispenard's Meadows. The corpse

was taken to the house in which she had resided, and exposed for a day to public view in the street; on January 6, the Grand Jury returned an indictment for murder against a certain young carpenter, Levi Weeks, who was known to have shared in the young lady's somewhat generous affections; and in a few days the town was flooded with handbills condemning Mr. Weeks and sacrificing him to the popular hysteria.

The trial opened on March 31, before Chief Justice Lansing, Mayor Varick and Recorder Harrison, and lasted forty-eight hours—an unusually lengthy proceeding in that day; opposed to Cadwallader Colden, the Assistant Attorney General, were Mr. Burr, Mr. Hamilton and Mr. Brockholst Livingston. In the face of the State's almost purely circumstantial evidence, Colonel Burr laid stress on the notorious character of the deceased, he denounced the prejudiced verdict of public opinion, and produced witnesses who presented a satisfactory alibi for the defendant. Whereupon the Chief Justice delivered an extraordinary charge favoring the defence—in which he informed the jury that the prisoner's alibi accounted for the manner in which he had spent the evening, "excepting a few minutes," and that in the opinion of the Court there was not sufficient proof to warrant a decision against the accused—and in five minutes the jury approved Mr. Lansing's findings with a verdict of Not Guilty; the only verdict, indeed, which could have been rendered in view of the State's failure to establish its case.

"If thee dies a natural death, I shall think there is no more justice in Heaven!" one of the relatives of

the deceased is said to have exclaimed to Alexander Hamilton after the trial; and the Chief Justice himself was one day—a good many years later—to disappear from his hotel and never be seen again.

The other great suit in which Mr. Hamilton cooperated with Colonel Burr, that of Le Guen against Gouverneur and Kemble, though less spectacular, involved a much more extended and complicated mercantile litigation which continued for several years until its final decision in favor of their client Le Guen. A settlement for the fees accruing from which Colonel Burr acknowledged that he had "Rec'd. N. York 2 June 1795 of Mr. Le Guen Two thousand five hundred dollars as follows viz. four hundred and ninety paid for me to Baumard. Twelve hundred and sixty paid for me to Rozier. Three hundred dols. in Cash in December and the farther sum of four hundred and forty dollars this day—being in full for my services in his controversies with Gouverneur and Kemble."

Two thousand five hundred dollars—the specified items of which in the receipt only total two thousand four hundred and ninety—of which seventeen hundred and fifty had gone, apparently, to settle debts of the Colonel's.

4

It was the old and never to be completed story of Colonel Burr's financial difficulties, and from some of the unpublished papers of Mr. Le Guen, in the possession of Mr. J. C. Tomlinson, one may learn to what an extent the client became the creditor, and how intimately Mr. Hamilton seems to have

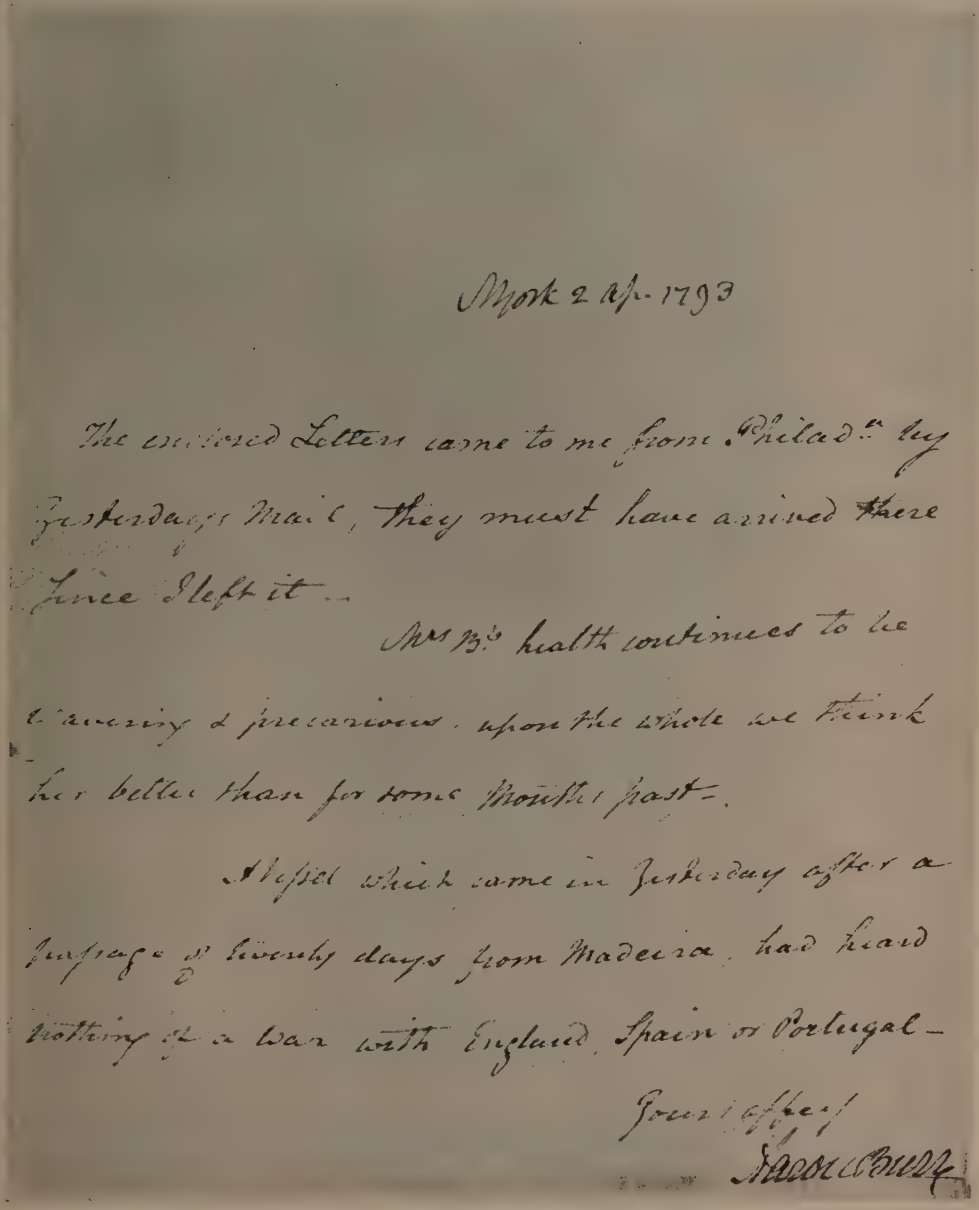
been aware of these transactions. In fact, Mr. Hamilton himself once borrowed five thousand dollars upon bond and mortgage from Mr. Le Guen, and the Colonel obtained several loans, and one of more than six thousand dollars, from that obliging gentleman, disputes concerning the reimbursement of which were to continue for some thirty years.

The principal negotiations, involving a second mortgage on Richmond Hill, appear to have begun in January, 1799, at which time Colonel Burr wrote to Mr. Le Guen, "that we may not have any misunderstanding on the subject of the loan which you have proposed to make to me, I will now repeat the sum and the Security which I propose to give. Ten thousand pounds or twenty-five thousand Dollars was the sum spoken of and agreed to. The Security will be my House and Lands now in the possession of Van Berkel. . . . The whole will be mortgaged to you subject to prior incumbrances to the amt. of £12000. In addition to this you may hold the two Leases lately assigned to you so that the rents you will be entitled to receive shall exceed the interest of the money you may lend—and I shall consider the sums which you have already advanced to me as part of the £10000. It shall be repayed in 2 or 3 years as we may agree and interest annually, or half yearly if insisted on. I have been thus particular to prevent Mistake and request the favor of an early answer."

In March, the Colonel was writing again that "when I had the pleasure to see you in New York, I was so much occupied with the advancement of your suit that I neglected to procure your answer

on the subject of the loan. You will readily conceive that this matter is too interesting to me to be permitted to remain any longer in uncertainty. Your answer to my first letter on this subject was inconclusive, and my second remains yet unanswered. . . . The note of Messieurs G. and L. H. will become due in a few weeks; as that note was given at my request, and I relied on your promise of a loan to enable me to take it up, I would now propose to give you a security on one hundred lotts adjoining Greenwich Street for the amount of that note, and I could wish this negotiation to take place immediately that these gentlemen may be discharged from their responsibility." And once more in March, "since the date of my last I have received from Mr. Gelston a very urgent letter of the subject of the Note given by him to L'H. You will therefore excuse my importunity for your answer on that subject. . . ."

One begins to appreciate the true extravagance of the Richmond Hill establishment, with its shrubberies, and its libraries, and its banquets, and the bewildering maze of notes and mortgages through which the Colonel picked his precarious way. And on March 22, Mr. Le Guen had refused. "Your answer surprised me much," Colonel Burr wrote him, "but it would at this time be useless to enter into explanations. I have written to Genl. Hamilton stating to him the purpose for which the note of D. and L'H. was given and the reliance which was placed on your assurances for taking it up, and I have proposed that it should be renewed for 60 days, before the expiration of which time I shall be



New York 2 Apr. 1793

The enclosed Letters came to me from Philad.a by
Yesterdays Mail, they must have arrived there
Since I left it —

Mrs B.s health continues to be
uncertain & precarious. upon the whole we think
her better than for some Months past —

A Vessel which came in Yesterday after a
passage of twenty days from Madeira, had heard
nothing of a War with England, Spain or Portugal —

Yours affectly
Aaron Burr

FACSIMILE OF AARON BURR'S HANDWRITING

Original in the possession of the New York Public Library.

in N. York and may make other arrangements than those which have so unexpectedly failed."

But some arrangement must have been arrived at, for in August, 1800, Colonel Burr was informing Mr. Le Guen that "I received a few days ago your letter demanding immediate payment of your mortgage. As I find it impossible to close finally our concerns in the manner stated in the amount which you left with me, it will I think be best that you should come to this city. . . . I beg you to bring with you the leases formerly assigned to you and the notes which accompanied them as well as the two bonds and mortgages which were given last year, that we may finally settle the whole of our Concerns. It is with regret however that I apprize you that it will not I fear be in my power to make you any considerable payment in cash or at a short Day." And in 1802 they were still at it, for in October Colonel Burr had "received this morning your letter of the 6th. I have no doubt but in the course of this month the concerns referred to . . . will be terminated to your satisfaction. Be pleased to leave the papers with General Hamilton. At the time of our last settlement, a mortgage which I had given you on part of my farm could not be found. Have the goodness now to make search for it that it may be delivered up."

Perhaps the same mortgage to which Mr. Hamilton was referring when he wrote to Colonel Burr in October, 1803, that "I distinctly recollect (as was once verbally explained between us) that just before you made a payment of Two Thousand Dollars on your Bond, Winship's mortgage was returned to you as

the means by which the money was to be procured—I think it was sent to you by Le Guen himself. . . . The mortgage is certainly not now in my possession—nor has a cent been received by me on account of it."

In 1804, however, the matter had passed into the hands of Mr. Le Guen's attorney, Mr. Ogden. There was a dispute, now, over a certain payment of twelve hundred and fifty dollars claimed by Colonel Burr to have been paid, and denied by Mr. Le Guen. "Finding great delay in negotiating through your attorney," the Colonel told him in 1805, "I shall be glad of an opportunity of conferring with you personally on the subject of our concerns. . . . The obstacles to a settlement are 1st. a payment of 1250 dolls. . . . not allowed by you or your attorney, and 2d. That the securities which were lodged with you have not been accounted for." They were even calling on Mrs. Hamilton to search her late husband's papers. "Mr. Morton has not yet renewed the search for the Bond," Mr. Ogden notified Mr. Le Guen. "He has promised to accompany me to Mrs. Hamilton's and obtain her permission to examine the General's papers."

Even after his death, Mr. Hamilton seemed to be still involved in Colonel Burr's private affairs—but the Le Guen dispute went on, with proposals and counter proposals, and then lapsed for a time, to recur again at a much later date. . . .

5

And there were other disputes, growing more directly out of the Colonel's legal enterprises. Dis-

putes with his relatives, or more properly his wife's relatives, for it was not to be his lot to escape the entanglements of family feud and litigation.

The Colonel had served as a trustee for some property, belonging to a mutual relative by marriage, with General Maunsell, the second husband of one of Mrs. Burr's aunts, Catherine Stillwell. And at first, while the General was still in London—he was, of course, English, and had retired from the Colonies at the time of the Revolution—he thought highly of Colonel Burr, and wrote to his sister-in-law, Mrs. Lydia Watkins, that "I hear a great character of him, and I think that Theo [Mrs. Burr] was lucky in meeting so good a man." Indeed, the Colonel was highly thought of in the Watkins home on Harlem Heights, and was constantly consulted on business matters by this other aunt, again, of Mrs. Burr's during his early years in New York.

But soon General Maunsell was writing to his niece, Miss Watkins, that "as I shall never have any more intercourse with him, or his family, his changes of life give me no concern or pleasure; he is no friend to your house." The General was destined, however, to have further intercourse with his co-trustee—for after the former's return to America, the settlement of the estate which they were managing resulted in a lawsuit, in which Colonel Burr represented the interests of Mrs. Burr's half-sister, Mrs. Eliza Duval, and during the course of which, in 1787—for reasons not now manifest—he caused the General to be arrested.

This turned against him all the Maunsells, and the Watkinses and the Bradhursts—and probably a

great many other branches of those much ramified De Visme, Bartow, Stillwell families—and served as a contributing cause for a curious incident which was to take place some years later. . . .

And in the meantime, as a striking recognition of the esteem in which he was held at the New York bar, the Colonel was appointed, on September 29, 1789, to be Attorney General of the State by Governor Clinton, whose election he had openly opposed in the previous year.

Colonel Burr was the third Attorney General of New York under the first constitution, succeeding Egbert Benson and Richard Varick; he was thirty-three years old when he entered upon his office; and he served with distinction and judgment during a difficult period which saw him arduously concerned in the investigation of the manifold claims, not a few of them fraudulent, arising out of the Revolutionary War. He performed his task with intelligence and discretion, and his report, in 1792, for the Board of Commissioners, was adopted as the basis of settlement for all such claims.

But in 1792, the Colonel had already stepped upon a more conspicuous stage. . . .

PART IV

The Politician

1784–1801

"Aaron Burr was the first American politician who saw the value of compact political organization."

SAMUEL P. ORTH.

CHAPTER I

THE AYES HAVE IT

I

COLONEL BURR assumed his first public office, not by his own desire, but at the urgent invitation of the citizens of New York.

It was in 1784. He had not been a resident of the city six months; he was struggling to establish himself in his profession; he had nothing to recommend him to the consideration of the voters except his military record, his reputation as a rising lawyer and the conspicuous qualities of his intellect. These proved, in so short a time, sufficient to attract to him the attention of his fellow townsmen; he allowed himself to be persuaded; and in April was elected a member of the Assembly, taking his seat at the opening of the Legislature in New York in the following October. It was the first step in a political career which was to take him to the very threshold of the presidency, and make of him the Second Gentleman in the land.

The first session of the Legislature in which he took part was very brief; during the second, beginning on January 27, 1785, there came up for dis-

cussion a bill to incorporate a certain society of mechanics, some of the features of which promised to imperil the freedom of municipal government. In the face of violent threats advanced against his person, Colonel Burr, alone among his less determined colleagues from the city, opposed the measure and brought about its defeat, earning for himself the widespread approval of the community. He then supported a motion for the abolition of slavery in New York—a policy which was finally to go into effect in 1800—and was made chairman of a committee appointed to revise the laws of the State. He had, therefore, in a few months, given evidence of courageous and constructive thinking, and of considerable executive ability. But the expiration of his term, in April, found him unwilling, at the time at least, to remain in the political field, and he returned to the practice of the law.

But the people of New York could not afford to dispense entirely with his public abilities. For seven years he served as a member of the Board of Governors of the New York Hospital; in 1791, he was one of a Commission chosen to dispose of the wild lands of the State, an enterprise which resulted in calamitous scandal from which he alone escaped; indeed, in 1788, he presented himself once more as a candidate for the Assembly, and was defeated on the anti-Federalist ticket; in the following year, he co-operated with Mr. Hamilton in that unsuccessful effort to elect Judge Yates to the Governorship in place of George Clinton—one of those Federalist-Republican alliances which were to recur in the political history of the State, and which brought

together in the same cause two men who were ever after in such matters to be in opposition—and in 1789 one has already noticed Governor Clinton's unprejudiced selection of him as Attorney General.

And in 1791, United States Senator Philip Schuyler, of New York, came up for re-election. . . .

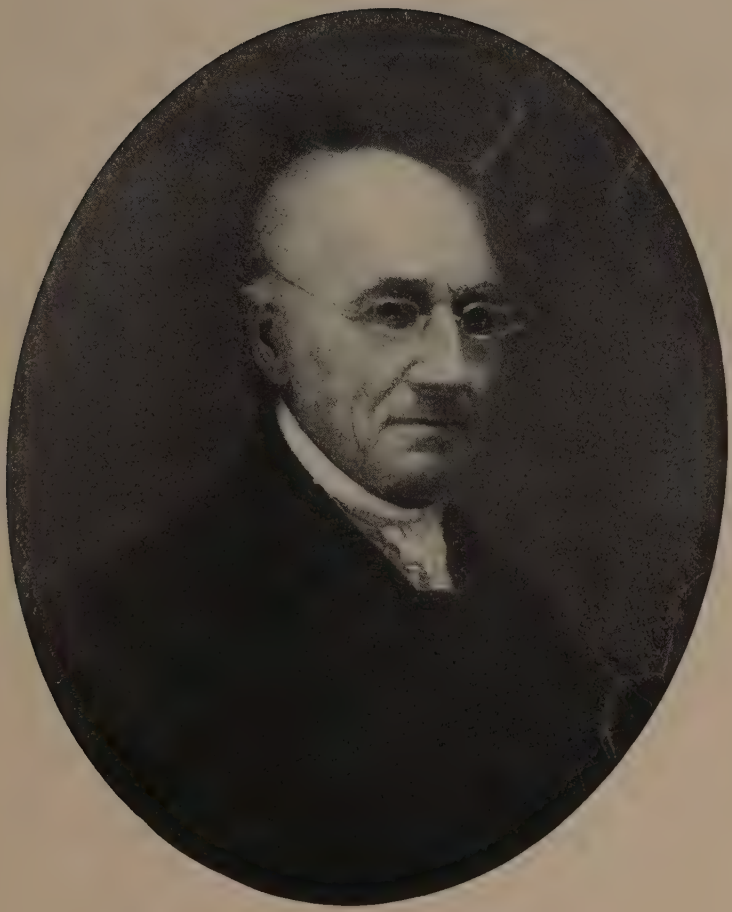
2

The political destinies of the State of New York were controlled at the time by three great families, the Clintons, the Schuylers and the Livingstons. Of these, the Clintons, led by George Clinton who had been Governor of the State ever since the Independence, were the standard bearers of the Republican, anti-Federalist party. The Schuylers, confessing allegiance to General Philip Schuyler, were as conspicuously the guardians of the Federalist cause. The Livingstons, whose name was almost synonymous with that of the State, were jealous partners of the Schuyler trust. A powerful Republican family, then, and a Federalist alliance of two ambitious factions.

Ambitious, and increasingly discontented, for there was disappointment among the Livingstons. One of their number should have been chosen Senator, to accompany General Schuyler, in place of the interloper, Rufus King; the Chancellor, Robert Livingston, head of the clan, should never have been ignored in favor of John Jay for the Chief Justiceship of the United States. These matters rankled in Livingston minds; they threatened the solidity of their faith in the Federalist administration of Mr. Washington, and inclined them to a republicanism

which, in the person of Brockholst Livingston, they were soon rabidly to adopt; they fostered a suspicious distrust of that other interloper, Alexander Hamilton. For Alexander Hamilton was at the President's elbow, influential and covetous—had he not written into the Federal Constitution that clause stating that "no person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution," should be eligible for the presidency; and he foreign born! And Alexander Hamilton was the son-in-law of General Philip Schuyler.

So it seemed to the Livingstons when General Schuyler's first term—the short term which had brought him to the Senate as junior to Rufus King—expired, in 1791. In the estimation of the Schuylers, there was no possible doubt of his return; was he not the acknowledged head of the Federalist party in power—and, in any case, son-in-law Alexander would see to it. Senator Schuyler was re-elected in advance, there was not even an opposition candidate for the office. But the Livingstons held different views; something should be done to put the Schuylers in their place and counteract the growing influence of the precious West Indian son-in-law; and when General Schuyler's name was put alone in nomination the Livingstons had so well arranged affairs that there were more nays than ayes. One is not competent to decide which group was the more profoundly startled, the Schuylers or the voting Senators; but someone must be chosen, and Colonel Burr was suggested. He was promptly elected by a vote of twelve to four, which reveals the extent to



MATTHEW LIVINGSTON DAVIS

From the original portrait in the possession of the New York Historical Society.

which the ways of defeat for General Schuyler had been greased by the Livingstons—and probably the Clintons with them, in spite of the Colonel's recent excursion with Mr. Hamilton against the Governor. At all events, the Colonel was no Federalist in national politics, and it was sound policy on George Clinton's part to secure so promising a representative at the seat of Government.

The selection was immediately ratified in the lower house by a majority of five, and on January 19, 1791, Aaron Burr found himself, at the age of thirty-four years and eleven months, United States Senator from New York. The Colonel's Attorneyship, now vacant, was given to Morgan Lewis, of the Livingston connection. An unforeseen outcome of an election which had been considered a foregone conclusion, and for which, aside from the machinations of the Clinton-Livingston anti-Schuyler combination, Colonel Burr could thank his own public achievements, his reputation for moderation in politics, and his aloofness from prevailing family feuds.

3

The senatorial election, and the unexpected defeat of his father-in-law, infuriated Mr. Hamilton.

Until the election occurred, Hamilton and Burr had been friends; they had much in common—they shared the same outstanding qualities of mind which placed them in the front rank as lawyers and men of culture; they were possessed of the same charm of wit and eloquence; they moved in the same aristocratic circles; they exhibited the same generous, spendthrift habits; enjoying a like con-

jugal and paternal felicity, they exerted the same deliberately indiscriminate fascination upon the other sex, with the same disregard of the accepted requirements of private morals. They were very nearly the same age, they were almost the same weight, they were identically the same height. In one respect, however, they differed fundamentally; Burr's ancestry was impeccable, the West Indian from Nevis could not deny John Adams's remark that he was "the bastard brat of a Scotch pedler."

Long after the election occurred, Hamilton and Burr remained friends before the world; they worked together in the law courts, they sat together in frequent amicable social intercourse at each other's tables, they were concerned together in numerous business enterprises. It was Mr. Hamilton who, as late as November 10, 1802, satisfied a judgment of some one hundred and seven thousand dollars recovered against Colonel Burr in 1799. They were opposed in countless public matters, as must befall two such conspicuous political antagonists, but in the eyes of the community, Mr. Hamilton showed no evidence of any but the most sincere personal regard for Colonel Burr. He had eaten his salt, and long continued so to do. Actually, his secret hatred, his underhanded obstruction, his stealthy defamation of Colonel Burr began on that January day in 1791. And if General Schuyler, naturally enough, was tempted to consider his successful rival as "the principal in this business," Mr. Hamilton referred to him as utterly unprincipled, "for or against nothing but as it suits his interest or ambition," so

that he felt it "to be a religious duty to oppose his career."

To this cult, Mr. Hamilton was to devote all his clandestine talents, during the few years which remained to him. In gaining his unsolicited victory —Colonel Burr had not been approached on the subject beforehand—he had gained, also, an implacable enemy, taken upon himself the perils of a ruthless feud, subjected himself to the constant provocations of a jealous calumny. At every turn, now, the Colonel was to feel the invisible hand, to hear the disguised voice of the West Indian. . . .

4

Colonel Burr took his seat in the Senate on October 24, 1791, at the opening of the first session held by the Second Congress at Philadelphia, the new national capital—or rather, the temporary one, since at the end of ten years in the metropolis, Government was to be established definitely at Conogocheague on the Potomac.

"I am at length settled in winter quarters," he wrote to Mrs. Burr on October 30. "The house . . . is inhabited by two widows. The mother about seventy, the daughter about fifty. . . . The old lady is deaf, and upon my first coming . . . she with great civility requested that I would never attempt to speak to her, for fear of injuring my lungs without being able to make her hear. . . . The house is remarkably quiet, orderly, and is well furnished. They have never before taken a person to board, and will take no other." Still, he probably agreed with Mrs. John Adams, who in her

Philadelphia house at Bush Hill exclaimed that she had left the grand and sublime at Richmond Hill, and that Philadelphia itself would not be Broadway.

They had made a great to-do about their city, the Philadelphians, and to hear them talk one might have thought that all culture, all learning, all wealth and all elegance were concentrated within its boundaries. And yet, in the critical eyes of incredulous New Englanders and New Yorkers, in the supercilious estimation of Virginians, there was nothing so extraordinary about the city with the white stone stoops. Philadelphia was a large and elegant city, Oliver Wolcott of Connecticut conceded, "but it did not strike me with the astonishment which the citizens predicted," nor did he expect that a more intimate acquaintance with its inhabitants "will furnish me with any self-humiliating sensations." And as for Mr. Monroe, he found the city "at present to be mostly inhabited by sharpers." In fact, according to Mr. Moreau de St. Méry who lived there, Philadelphia was infested with bed bugs and flies, its inhabitants were perniciously addicted to the consumption of oysters, scalding tea and green fruit, and if they washed their stoops with religious precision twice a week in all weathers, the good citizens were less meticulous concerning the ablution of their persons. But then Mr. de St. Méry had some very strange notions about Philadelphians, and American ways in general.

But on two points they could all agree. "The profusion and luxury of Philadelphia on great days, at the tables of the wealthy, in their equipages and the dresses of their wives and daughters" surpassed

anything to be seen in the country, and were not inferior to those displayed in the capitals of Europe. It was not an uncommon sight at assemblies and balls to see ladies, diplomatic ladies to be sure, "glittering from the floor to the summit of their head-dress," their arms, necks and foreheads encased in diamonds, although "such a superabundance of ornament" struck the spectator as "injudicious."

And the ladies of Philadelphia were extremely beautiful—in spite of Mr. de St. Méry who considered them faded at twenty-three and decrepit at forty; but even he was obliged to admit that at fifteen they were adorable, and visible in the streets "by the thousands." The transients might boast of Miss Wolcott, and Mrs. Gerry, and Mrs. Izard, and Mrs. Jay who had once been mistaken by a Paris audience for Queen Marie Antoinette; but in "the dazzling Mrs. Bingham," in the Misses Allen and the Misses Chew—that "constellation of beauties" which so impressed Mrs. John Adams—Philadelphia could claim some of the most famous belles in the land.

5

"I receive many attentions and civilities," the Colonel told Mrs. Burr early that first winter. "Many invitations to dine, etc. All of which I have declined, and have not eaten a meal except at my own quarters. . . . Send me a waistcoat, white and brown, such as you designed. You know I am never pleased except with your taste." There was no question about Philadelphia not being gay.

"I should spend a very dissipated winter," Mrs. Adams had confessed the year before, "if I were to accept of one half the invitations I receive, particularly to the routs, or tea and cards." There was a "genteel mob" at the balls, someone else reported, and a "frenzy" had seized upon the inhabitants, who set "no limit to their prodigality"; although it was doubtful whether most of them could afford to continue "their dinners, suppers and losses at loo a great while," unless they managed "to make temporary residents pay the bills, one way or another."

There were the official levees and receptions, too, at the President's house on High Street—"brilliant beyond anything you can imagine," it seemed to Miss Sally McKean—but as a Republican, one of Lady Washington's "filthy democrats," Colonel Burr would not frequently have attended these somewhat dreary functions. He would, as a man of the world, have gone more readily to the entertainments furnished by the Chews, by the Blodgets, by the republican McKeans—where no doubt he made the acquaintance of the Spanish Minister, Don Carlos Martinez de Yrujo, who was soon to marry Miss Sally, and much later to listen to some curious proposals of the Colonel's—and by the Binghams, where they served ice cream with gold spoons, and decorated the supper table with a real orange tree, "the most superb thing of the kind" which Mrs. Stoddert had ever seen, "and where a common spectator might imagine the root was, it was covered with evergreens. . . . You can't think how beautiful it looked." But then Anne Bingham had lived in Paris and London, and there was a

white marble staircase in her palace on fashionable Third Street.

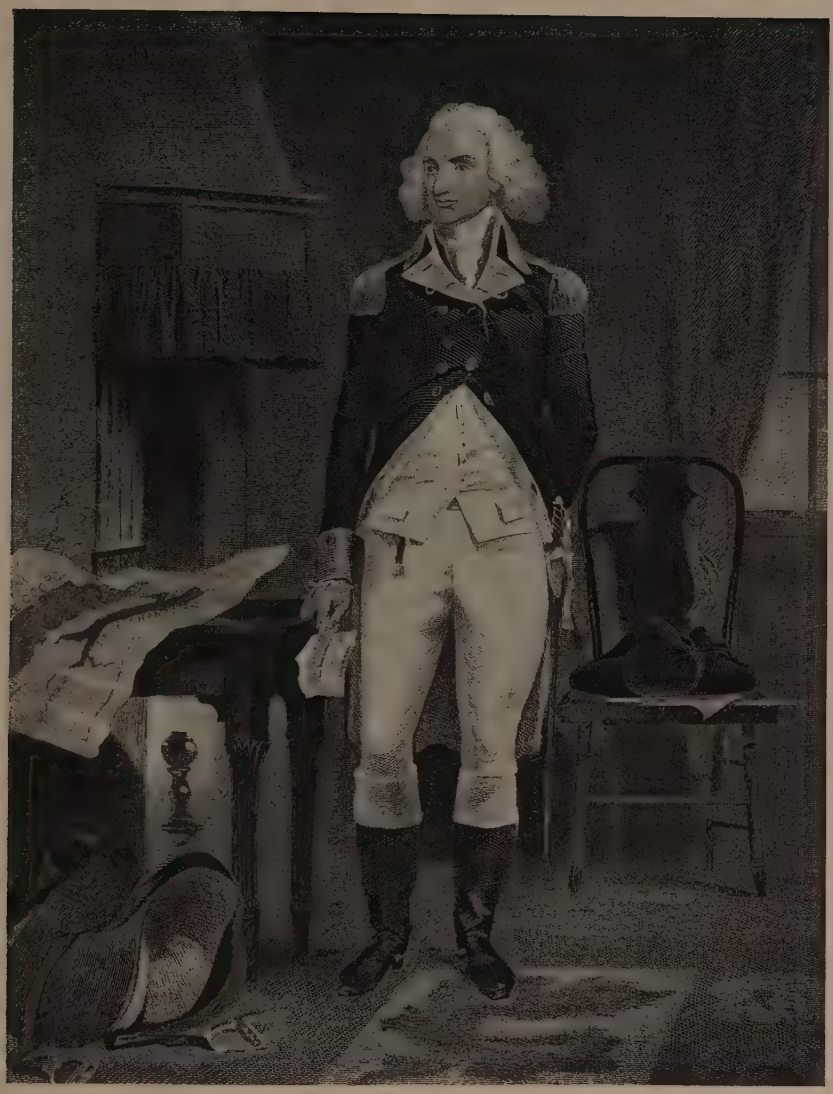
At all events, no matter how many invitations he declined, the Colonel is certain to have sought the society of the French colony in the capital, those *émigré* nobles and men of note in whose company he took so much pleasure; and in 1794 he found time to take his friend James Madison to call on the young widow Todd, the celebrated Dolly. The Colonel was then living in the very exclusive boarding house managed by Dolly and her widowed mother—he had abandoned his two elderly widows for a more youthful pair—and the three of them, Dolly, "the great little Madison" and the Senator, sat all one evening talking of not too weighty matters, and soon afterwards Dolly Todd became Mrs. Congressman Madison. So that while Colonel Burr never succeeded in making a president, he may still be said to have made a president's wife. But perhaps by that time the Colonel had more time to spare, for His Excellency President Washington had denied him the use of the official documents which he had been consulting, in preparation for a history of the Revolutionary War. . . .

6

The new Senator was not long in achieving a considerable prominence. On the day following the opening of Congress, for instance, he was chosen to serve as chairman of the committee which prepared and reported the draft of the answer to the President's address. When the question of replying to a message accompanying the gift of a flag from the

French Republic came up for discussion, and the Federalist members sought to obstruct the adoption of any reciprocal courtesy, Senator Burr was most emphatic in his support of the proposed reply, and of the right residing in the Senate to express itself on such subjects. From the very first, with a felicity of eloquence which won for him favorable comparisons with such celebrated orators as Fisher Ames, he advocated—and in time secured—a relaxation of the rigorous practice of secrecy which then governed the debates of the Senate, and which renders difficult today any adequate consideration of its transactions.

That he commanded a conspicuous degree of confidence and admiration, at least in the councils of his own party, is evidenced by the offer of a seat on the Supreme bench of New York State tendered to him by Governor Clinton, which he declined; and by his selection on the part of the Republicans as candidate for the post of minister to France, vacated, in 1794, by the recall of Gouverneur Morris—as happy a choice, incidentally, as could possibly have been made in view of Mr. Burr's strongly Francophile sympathies and interests—which Mr. Washington refused him. Mr. Madison and Mr. Monroe had been charged to wait upon the President for the purpose of informing him of their party's preference, and renewed their petition in the face of the Chief Magistrate's opposition; but Mr. Washington—with Mr. Jefferson and Mr. Hamilton at his elbows—was not sufficiently convinced of Senator Burr's "integrity," and the mission was entrusted to Mr. Monroe, who was not to set the Seine on fire.



PHILIP SCHUYLER

After the painting by Alonzo Chappel.

And that Senator Burr must constantly have been engaged in deliberations concerning vital national matters is manifest from the character of the legislation debated and enacted by the Congresses in which he took part. It was a period of great complexity in domestic affairs, of harassing difficulty in international relations. There were new States to be admitted; a military and naval establishment, and suitable harbors and defences to be developed; mints, postal services and post roads to be instituted; a new judiciary system to be devised; problems of taxation, of currency and of public debt to be solved; a thousand and one details of internal commerce, of pensions and of Federal lands to be decided upon. There were foreign treaties to be ratified; spoliation and prize claims to be settled; boundaries and disputed sovereignties to be determined, maritime abuses at the hands of the British, the French and the Spaniards to be resisted and corrected; policies of embargo and neutrality to be adopted and enforced.

There were the tumultuous days of the Genêt hysteria, and of the Jay treaty uproar, to be lived through. . . .

CHAPTER II

TUMULT AND SHOUTING

I

Mr. Washington was, of course, President, and Mr. John Adams Vice President—those two pillars of Federalism, those two sanctified heroes, or depending on the partisan point of view, those two tyrants, those two exponents of despotism and monarchism. General Knox was Secretary of War. Edmund Randolph—"the poorest chameleon" Mr. Jefferson had ever seen—was Attorney General. Mr. Hamilton was Secretary of the Treasury, performing miracles with the public funds—a founder and governor of the Bank of New York—and laying up for himself the embarrassing consequences of an ungraceful private scandal. And in accordance with the prevailing governmental confusion which placed political opponents in the same Cabinet, Mr. Jefferson was Secretary of State, signing his name to proclamations which he promptly attacked in an anonymous privacy through the columns of his scurrilous *National Gazette*, exercising with consummate facility his own peculiar propensity for riding two horses at once in opposite directions, following the tortuous path of his blandly contradictory destiny.

A personage compared to whom, in the opinion of Oliver Wolcott, "few men ever practiced the arts of political chicanery with greater address and perseverance"; who, in the State Department, "was distinguished for an attention to all those trifles which attend the minds of half learned, dreaming politicians and superficial scholars." A statesman whose actions had caused Mr. Hamilton, in 1792, to be "unequivocally convinced of the following truth, that Mr. Madison, co-operating with Mr. Jefferson, is at the head of a faction decidedly hostile to me and my administration"—the editorial *my*, no doubt—"and actuated by views in my judgment subversive of the principles of good government, and dangerous to the Union, peace and happiness of the country." But then Mr. Jefferson thought even less of Mr. Hamilton, that Federalist tax gatherer, that "singular character" who was "not only a monarchist, but for a monarchy bottomed on corruption," who was "so bewitched and perverted by the British example as to be under thorough conviction that corruption was essential to the government of a nation."

Jefferson and Hamilton—Hamilton and Burr—Burr and Jefferson—each in turn, there was never to be room enough, in the halls of the Republic, for these three men; it is, indeed, perhaps to be regretted that they should have met simultaneously upon the stage of public affairs and lavished upon each other, in bitterly contested rivalry, the energies and capacities by which the nation might otherwise have more richly profited.

It was a time of intense individual hostility in

office, of rabid popular concern in politics and international events, of extravagantly vicious journalistic denunciation and slander. With Hamilton and Jefferson in constantly antagonistic personal competition for the control of national policies, the determining of which brought them in daily and ostensibly co-operative contact at the same executive table, the presses of Philadelphia and New York—the hireling editorial pens of Freneau, of Duane, of Cheetham, of "Lightning Rod Junior" Benjamin Franklin Bache, of "Peter Porcupine" Cobbett—were kept busy flooding the country with a pungent stream of pamphlets and lampoons signed by a swarm of Brutuses and Catos—when it was not "Pacificus" Hamilton and "Helvidius" Jefferson, alias Madison, themselves in their respective gazettes—from which arose the malodorous aroma of an inflammatory and mendacious invective.

2

And if at home it was a matter of the Bank, of funding and assumption, of excise and revenue—Mr. Hamilton's particular enterprises—in the realm of Mr. Jefferson's foreign relations there was, for a while, only one consideration, the French Revolution. The people of the United States were clearly divided on this one paramount issue—to be a Federalist, a Hamiltonian, a monarchist, an Anglomaniac and a despiser of the French; to be a Republican, a Jeffersonian, a democract, an Anglophobe, an admirer of Robespierre. To desire an alliance with England, and the destruction of the French Repub-

lic; to fight with revolutionary France in her war against the British tyrant, against "the Hydra of Despotism."

Liberty poles and caps were on every green, tricolor cockades on almost every hat, French songs on nearly every tongue, for the Federalist administration was not in a popular majority, for the time being. Solemn New Yorkers and Philadelphians called each other Citizen and Citess, abolished all titles and courtesies, affected French styles of dress and cut their hair *à la Brutus*. When news of the French victories reached America, in December, 1792, an epidemic of celebration swept the country from Charleston to Boston, expressed in civic feasts and processions, dignified by the most elaborate and frequently slightly idiotic ceremonials, attended, in many cases, by the highest dignitaries of the city and State. In April, 1793, all good Philadelphia Republicans were toasting the execution of the King of France, and plunging carving knives into the bodies of emblematic pigs, at banquets distinguished by the convivial ferocity of their democratic enthusiasm for the Rays of Liberty and the Gallo-Columbian Fraternity of Freemen; and on May 16, Citizen Edmond Charles Genêt, Minister Plenipotentiary of the French Republic to the Congress of the United States of Northern America—with his precious privateers—was at the capital, receiving the delirious welcome of a devoted populace, or, if one preferred the Federalist version, being followed to his residence by a rabble of nondescript men and boys.

And on May 30, the Democratic Society of Penn-

sylvania had been formed, containing on its roster the names of some of the foremost personalities in the city, who, "no longer dazzled by adventitious splendor or awed by antiquated usurpation," had been taught by France "to erect the temple of Liberty on the ruins of palaces and thrones." The movement spread throughout the States, and it was not long before the Charleston Society was recording that "we cannot but lament the amazing want of Republicanism which now forms a conspicuous trait in the characters composing the highest officers in the Federal Government." Not long after, mobs were tramping through the streets of Philadelphia threatening to pull Mr. Washington and Mr. Adams out of bed if America's neutrality was not abandoned. In July and August, Mr. Jefferson was in serious trouble over a Genetine privateer—in spite of what Mr. Hamilton called his "womanish attachment to France"—Mr. Washington was in a great fury, and Mr. Jay and Senator King of New York were being led by Mr. Hamilton into making public spectacles of themselves because of a certain rash accusation against the Citizen.

All of which, one imagines—a bedevilled Washington, a John Adams barricaded against assault, and two other Federalist worthies victims of a ridiculous publicity—must have afforded Senator Burr some moments of prodigious entertainment.

3

But there was more trouble in store for Mr. Jay, and for Mr. Washington and Mr. Hamilton, to which,

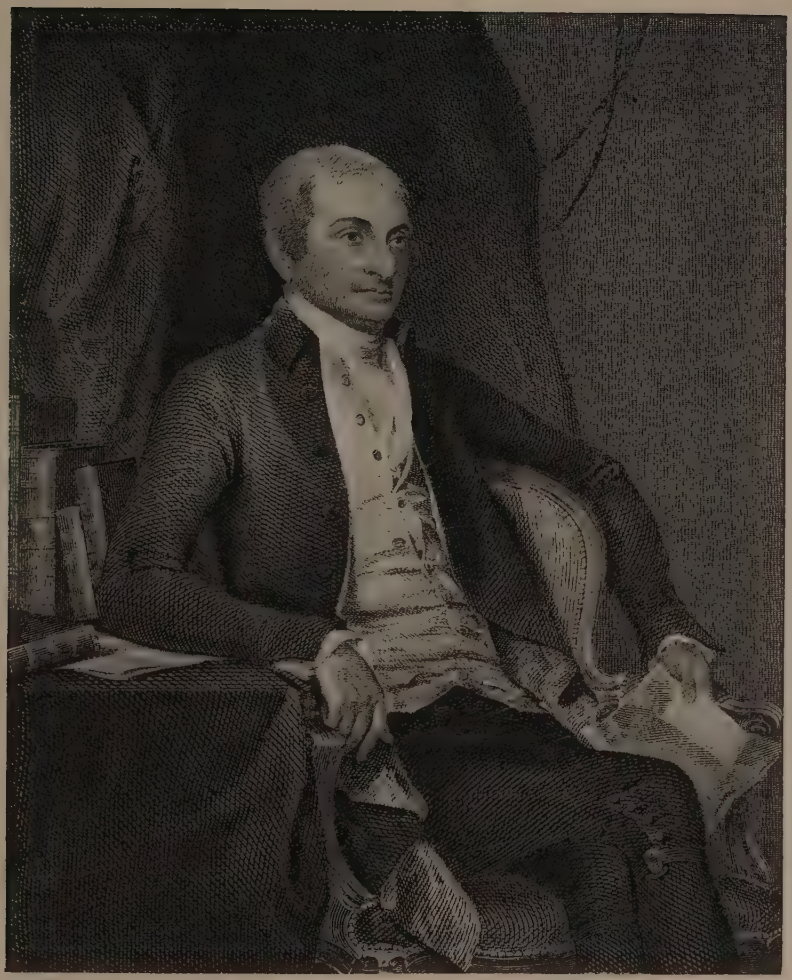
in his official capacity, Senator Burr contributed to the fullest extent of his ability. The winter and spring of 1794 had seen a voluminous traffic of American merchant shipping to the West Indies; obstructed, however, by the high-handed methods of the British authorities who seized cargoes and impressed crews until national commerce in those waters was at a standstill. From March until May there had been an American embargo against British ports and vessels; in Congress, Mr. Madison was pressing his punitive resolutions while the Republican Senators were demanding "non-intercourse" with England; and in May Mr. Washington had sent Mr. Jay to London to discuss a commercial treaty.

The new "treaty of amity and commerce" reached Philadelphia on March 7, 1795; the Senate was instantly summoned, and convened on June 8. From the first, the Republicans were solidly against what they considered a pernicious pact, negotiated by a Federalist aristocrat who had actually seen fit to kiss the hand of the Queen of England. "Hear the voice of truth, hear and believe!" the *Oracle of the Day* was thundering later. "John Jay, ah! The arch traitor—seize him, drown him, hang him, burn him, flay him alive! Men of America, he betrayed you with a kiss! As soon as he set foot on the soil of England he kissed the Queen's hand . . . and with that kiss betrayed away the rights of man and the liberty of America." As late as June 29, not a word of the document had reached the public, but on that day the *Aurora* printed a slightly inaccurate version, and on July 1 Mr. Bache was able to issue

the exact text in pamphlet form, a copy having been placed in his hands by Mr. Mason, one of the Republican Senators from Virginia. Post riders on their way to Boston passed through New York on July 2; in a few weeks the country was in an uproar of patriotic indignation.

Pamphlets and resolutions poured in on the President from every side; riotous mobs burned Mr. Jay in effigy and lampooned him with accusations of bribery; the Republican celebrations of the Fourth and Fourteenth of July rang with disparaging toasts—"A perpetual harvest to America, but clip't wings, lame legs, the pip, and an empty crop to all Jays!"—"May his next treaty be that of entreating his countrymen to pardon his many backslidings!" At a street meeting in New York, on July 18, conducted by Brockholst Livingston, Mr. Hamilton attempted to defend the "plenipo's" treaty, and got himself stoned by a rabble of sailors for his pains; a lamentable occurrence much deplored, no doubt, in Republican circles.

In the Senate, Mr. Burr had taken an immediate and prominent part in the denunciation of Mr. Jay's handiwork, and sponsored a motion that consideration of the treaty be postponed and that six articles be amended and four erased. But the motion was not carried, and the treaty, with certain modifications, was ratified by a vote of twenty to ten. The President signed it in August—the House, swayed by the compelling oratory of Fisher Ames, was to pronounce itself satisfied at a later date—and there remained only the tumult and the shouting of "Plenipo Jay's" unpopularity.



JOHN JAY

After the painting by Stuart and Trumbull.

4

It was not the first time during his career in the Senate that Mr. Burr had found himself in opposition to Mr. Jay. In 1792, a strong effort had been made in both the Federalist and Republican camps in New York State to nominate Senator Burr for the Governorship, in place of George Clinton whose tenure of that office was becoming something of an irksome tradition. Mr. Hamilton having, however, prevented such action on the part of the Federalists and pledged them to Mr. Jay, an independent movement was instituted by an influential portion of the Republican party in favor of their Senator. But Mr. Burr declined the nomination, and Governor Clinton's too familiar figure was once more presented to the voters.

There followed a campaign of considerable bitterness at the close of which the legality of the ballots received from Clinton, Tioga and Otsego Counties was contested, and a joint committee of canvassers from both Houses appointed. The canvassers finally rejected the votes of Otsego, on the grounds that the Sheriff whose duty it had been to deliver them to the Secretary of State had resigned, and that the deputy appointed by him was not lawfully qualified to perform the mission—a legal quibble which cost Mr. Jay a majority of four hundred—and the election was given to Governor Clinton. The decision naturally provoked a violent public discussion, in the midst of which the canvassers appealed to Senators Burr and King for an opinion. It was inevitable, probably, that they

should have disagreed, and Senator Burr suggested to his colleague that they refrain from any expression of views on the matter. Senator King, however, advised the canvassers that he considered the votes admissible; whereupon Senator Burr issued his own interpretation of the situation, supported by numerous citations from the law, and gave it as his belief that the ballots could not be counted.

This decision was adopted by the canvassers, approved by many leading representatives of the bar and sustained by a legislative investigation, and the certificate of election was duly forwarded to George Clinton. But this favoring of the Republican party chief's cause—which Senator Burr would have avoided except for Senator King's similar Federalist action—savored too strongly of partisan prejudice, and the Republican Senator was loudly attacked.

"The canvassing has proceeded so far as to reduce it to a certainty that you will be elected if the Otsego votes be counted," Colonel Burr's old friend Robert Troup—now an important Federalist—wrote to Mr. Jay. "There has been a great deal of writing upon the subject, and every possible maneuvering practiced by Clinton and his partners, the Livingstons. . . . Some days ago the canvassers referred the questions respecting the Otsego votes . . . to Burr and King for their opinions. This reference was understood by us all as intended to procure a cloak for the canvassers to cover their villainy in rejecting the votes for Otsego. They knew Burr to be decidedly with them, and that he would give them an opinion to justify their views. Burr and King

were conferring together for near two days with a view to fairness [?] as Burr affected to wish.

"The quibbles of chicanery he made use of are characteristic of the man. They finally departed, and have given opinions directly opposite to each other. King's is bottomed upon sound legal principles; Burr's is a most pitiful one, and will damn his reputation as a lawyer. . . . We all consider Burr's opinion as such a shameful prostitution of his talents, and as so decisive a proof of the real infamy of his character, that we are determined to rip him up. We have long wished to see him upon paper, and are now gratified with the most favorable showing he could have made."

Maybe so, but one would like to see the sort of letter Mr. Troup would have written had he been a Republican. Senator Burr, himself, wrote to his Federalist friend Jacob Delamater that "I do not see how any unbiased man can doubt, but still I do not pretend to control the opinion of others, much less to take offence at any man for differing from me. The reasons contained in my opinion, and assigned by the majority of the canvassers, have never been answered except by abuse. Upon the late occasion, indeed, I earnestly wished and sought to be relieved from the necessity of giving any opinion, particularly from a knowledge that it would be disagreeable to you and a few others whom I respect and wish always to gratify. But the conduct of Mr. King left me no alternative. I was obliged to give an opinion, and I have not yet learned to give any other than which my judgment directs."

Of them all, Mr. Jay comported himself with per-

haps the most irreproachable dignity. "In a few years," he told Mrs. Jay, "we shall all be laid in the dust, and then it will be of more importance to me to have governed myself than to have governed the State."

5

The years passed. Mr. Jefferson retired from the State Department, Mr. Hamilton from the Treasury; Mr. Monroe came back from France with very little to show for his efforts; Mr. Washington retired and had the pleasure of seeing himself called a hyena and a crocodile in the Republican press, and of learning from the *Aurora* that "if ever a nation was debauched by a man, the American nation has been debauched by Washington; if ever a nation was deceived by a man, the American nation has been deceived by Washington"; the presidential campaign of 1796 got under way, between "this man Adams" and the Sage of Monticello.

A campaign marked by some extraordinarily blatant alleged electoral frauds on the part of the Federalists—the Greene County ballots had been delayed by the postmaster, the voting in the Western District of Maryland had been done largely by gentlemen from Virginia, whole ballot boxes had been destroyed in Pittsburg—and by the Republican propaganda of the French Minister, Mr. Adet, who furnished to the *Aurora* advance copies of ostensible communications to the State Department in which he did not hesitate to extol the virtues of Mr. Jefferson, and called upon his fellow countrymen in America to "mount" the tricolor cockade

which became forthwith the emblem of the Republican party. It was the old story again; Mr. Adams, Federalism and England. Mr. Jefferson, Republicanism and France. America was merely the arena for these two conflicting interests.

"If nothing . . . should interrupt the regular course of things," Senator Burr wrote to Pierrepont Edwards, "A. is president—It is I think equally certain that Jeffn will remain second." The Colonel did not refer to himself, but he was, at this early date already, to have thirty votes. And Mr. Adams received seventy-one in the Electoral College and Mr. Jefferson sixty-eight, and "Johnny" was President by three votes—although the Republicans had no trouble in proving that the count should really have been sixty-nine for their hero and only sixty-eight for his rival.

But at any rate Mr. Washington was free to return to Mount Vernon; and as for Colonel Burr, his term in the Senate had expired, and he, too, was a private citizen once more.

CHAPTER III

WHOLESOME WATER

I

Six years in the United States Senate were not to entitle Colonel Burr to any surcease from public affairs. In 1797 he was elected to the Assembly from the city of New York, taking his seat on January 2, 1798, at Albany. He occupied himself during that session with bills to establish a State bankruptcy law, to abolish imprisonment for debt and to impose a tax on woodland and unproductive property; he supported the Virginia and Kentucky Resolutions, and another proposal to do away with slavery in New York; and he made one of the ablest speeches of his entire career—so recognized by his adversaries—in opposition to the Federalist constitutional amendment increasing the disabilities of aliens, a measure intended primarily to embarrass Mr. Gallatin, who was not even a West Indian but a Swiss.

Re-elected to the Assembly in 1798, Colonel Burr found America at war with France. For now the shoe was on the other foot; French maritime outrages upon American commerce had for the

time being overshadowed similar British abuses; as many pamphlets were now being issued against "Dear Sister France" as had formerly appeared in her support; at Paris, American envoys had been insulted by Citizen Talleyrand, and one of their number had replied "Millions for defence, not one cent for tribute!" A resounding observation, perhaps imaginary, which nevertheless swept the country. Congress, on April 3, had been given "the papers"; on April 25, at the theater in Philadelphia, Mr. Fox sang, to the old tune of the President's March, the new words of a song called *Hail Columbia!*

"Firm, united, let us be,
Rallying round our liberty;
As a band of brothers joined,
Peace and safety we shall find."

It was to be the last flareup of Mr. Adams's popularity, the final twilight of the Federalist gods. The navy went out and won battles—the precious frigates, "the wooden walls of Columbia," the *Constitution*, the *Constellation*, Decatur, Truxtun, Bainbridge, Hull; General Washington was appointed Commander in Chief of the army, and Mr. Pinckney and Mr. Hamilton Major Generals; in the theaters audiences roared patriotic songs while the orchestra played *Yankee Doodle* and *Stony Point;* at Philadelphia, at Boston, everywhere except perhaps at New York, the Associated Youth of America paraded with black cockades in their hats, the Federal cockade, the American Revolutionary cockade; at Weehawk, in New Jersey, Mr. Brockholst

Livingston, Republican, killed on the field of honor Mr. James Jones, Federalist, for having caned him because of a violent article of his in the *Argus*—but no one thought of indicting Mr. Livingston for murder, presumably because Mr. Jones was not sufficiently important.

In vain the Republicans hanged Mr. Adams in effigy, lacking a closer access to his own person, and sang—

> "See Johnny at the helm of State,
> Head itching for a crowny;
> He longs to be, like Georgy, great,
> And pull Tom Jeffer downy . . ."

the Federalists had it all their own way—for a while—and drowned them out with—

> "Americans, then fly to arms,
> And learn the way to use them;
> If each man fight to defend his rights
> The French can't long abuse them.
>
> Yankee Doodle, mind the tune,
> Yankee Doodle Dandy,
> If Frenchmen come we'll mind the tune,
> And spank them hard and handy!"

2

Up at Albany, Colonel Burr gave his whole support to the war measures inaugurated by Governor Jay—that dignified gentleman had at last reaped his reward—and at the special session advocated an

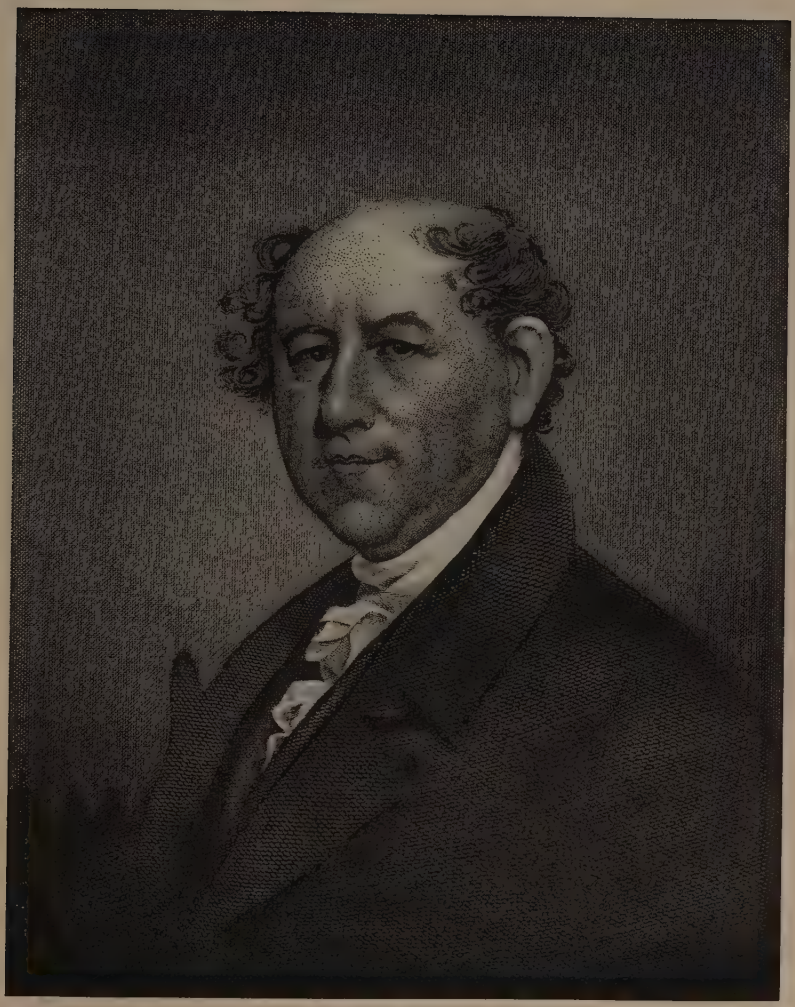
appropriation of twelve hundred thousand dollars for the purpose of strengthening the fortifications of New York. It was not so easy, perhaps, for Colonel Burr to sympathize with Mr. Adams's war, and turn against his Franco-Republican principles; it was not any easier, certainly, for his Federalist enemies to observe what might conceivably have been merely patriotic impulses without reading into them some concealed, nefarious intent—for so influential in politics had he become, so dangerous a figure on the Federalist horizon, so jealously observed a personality in Republican circles themselves, that his slightest gestures must be endowed with some ulterior significance, some personal ambition. The more so, since he never troubled, he never stooped—such was his stubborn, unbending pride—to explain, to defend himself in public.

"Burr still continues in our Assembly," Robert Troup wrote, to Rufus King this time. "His object cannot be precisely developed: some suppose it to be a State Bankrupt Law, in which he is said to be deeply interested. Others conceive that he has the government in view. It is certain that he has not discovered a desire to resume his station in the Senate. No doubt is entertained that after the publication of the dispatches from our Envoys to France, his conduct showed strong symptoms of a wish to cover his ground. He was active and apparently zealous in our measures for defending our harbor; he was particularly courteous to Hamilton, and some of the most intelligent of his party have gone so far as to say he certainly expected an appointment in the army.

"He began in considerable degree to lose the confidence of some of his associates; and yet before the appointment of General Officers took place, and in the midst of conciliatory appearance, he became bail for the appearance of Burke, who was apprehended upon a warrant issued by Judge Hobart for a most infamous libel on the President. I understand Judge Hobart refused to take Burr alone, and that Burr then prevailed upon Col. Ruttgers to join him in the recognizance."

Some of this was quite true; Colonel Burr would have appreciated a command in the army in which he had once served with such signal distinction, even though the Commander in Chief were George Washington and the second in command Alexander Hamilton. It was probably the precise fact, as Mr. Jefferson was later to recall in his diary, that "under General Washington's and Mr. Adams's administrations, whenever a great military appointment or a diplomatic one was to be made, he came post to Philadelphia to show himself, and in fact that he was always at market, if they wanted him." But General Washington would have none of it.

Having completed six years in the Senate, President Adams was to tell James Lloyd a good many years later, "and being at that time somewhat embarrassed in his circumstances, and reluctant to return to the bar," Colonel Burr "would have rejoiced at an appointment in the army. In this situation I proposed to General Washington, in a conference between him and me, and through him to the triumvirate"—Washington, Hamilton and Pinckney—"to nominate Colonel Burr, for a brigadier



RUFUS KING

general. Washington's answer to me was, 'By all I have known and heard, Colonel Burr is a brave and able officer; but the question is, whether he has not equal talents at intrigue?'

"How will I describe to you my sensations and reflections at that moment? He had compelled me to promote over the heads of Lincoln, Clinton, Gates, Knox and others, and even over Pinckney one of his own triumvirate, the most restless, impatient, artful, indefatigable and unprincipled intriguer in the United States, if not in the world"—there was no limit to Mr. Adams's opinion of Mr. Hamilton—"to be second in command under himself, and now dreaded an intriguer in a poor brigadier! He did, however, propose it to the triumvirate, at least to Hamilton, but I was not permitted to nominate Burr."

Mr. Adams had been mortally jealous of Mr. Washington in his day, and any retrospect on Mr. Hamilton was necessarily clouded by the memory of their political quarrel at the close of Mr. Adams's administration—but the recital is not without value as indicating a state of mind in the high military circles of the Republic in 1798. Colonel Burr was acquiring a reputation. . . .

3

He was, however, at the session of 1799, acquiring something of a more immediately interesting character. The transaction became apparent, although not to the full extent of its possibilities, on April 2, when there was enacted by the Legislature a bill of Colonel Burr's "for supplying the City of New York with pure and wholesome water."

The city had, during the summer of 1798, been visited by one of the most virulent of those epidemics of yellow fever which so frequently set the inhabitants of New York, and of Philadelphia, burning nitre in the streets, firing horse pistols at the bedsides of sufferers, carrying garlic in their shoes and bags of camphor around their necks, and dousing themselves with Haarlem Oil, Essence of Aloes and Vinegar of the Four Thieves. It had been alarming in 1793; in 1795, Philadelphia, with a plague of its own, had forbidden all intercourse with New York, which so enraged the New Yorkers that they kept sending word to their Quaker brethren that bodies were being burned two hundred at a time on the Battery and that all suspects, especially Philadelphians, were being guillotined; in 1797, and again in 1798, at Philadelphia, the entire population had been driven into camps along the banks of the Schuylkill, Government had retired, whole streets had been barricaded, pest houses organized which surpassed all conceivable horrors, and a system of "inspection" and rewards to informers established which became the instrument of countless personal vengeances; at New York, in that same "dreadful yellow fever year," some two thousand deaths had occurred.

It was due to the ships in the port from the West Indies; it was due to the generally filthy, slimy, dead dog, pig and horse infested streets of the town; it was due, they thought, to the brackish, unsanitary quality of the city's drinking water, none of the wells except the famous Tea Water Pump on Chatham Street being fit for use. Anyone who con-

trived a regular water supply from the surrounding country for the city of New York would be rendering the community an incalculable service. With this idea in mind, concealing another quite different one, Colonel Burr bestirred himself at Albany and, towards the close of the session when the members scarcely had time to read it, brought about the passage of his water bill, naming a number of Republican directors, several of them intimates of his, and fixing the capital of the company at two million dollars.

The capital was promptly subscribed; a well was, indeed, dug during the following summer, and a pipe line laid to convey the water; but the real object of the concern was soon made evident through the opening, at 40 Wall Street, of the Manhattan Company Bank. New York possessed, at the time, only two banks—a branch of the Bank of the United States, and Mr. Hamilton's Bank of New York—both of them controlled by the Federalists who disposed of sufficient power at Albany to prevent the granting of any rival charters.

But Colonel Burr was suddenly operating a Republican bank, and when the merchants and shippers at the Tontine Coffee House, and Mr. Hamilton and his bank directors, came to investigate his water charter, they found tucked away among its clauses a paragraph stating that "the surplus capital might be employed in any way not inconsistent with the laws and Constitution of the United States or of the State of New York." And the Chief Justice had warned Governor Jay before he signed the charter that there was more than "pure and wholesome

water" in that paragraph! There was in it, indeed, the inception of a great banking institution which was long to survive, nor was there anything inconsistent with the laws and Constitution. There was only, perhaps, a slight misgiving in the minds of sundry persons who had expected to benefit from the installation of a permanent water supply, of which, as late as 1830, the city was still to be in dire need.

Mr. Hamilton and his associates were furious, and accused Colonel Burr of chicanery in securing the passage of his bill—and perhaps there was, perhaps there was; the citizens of New York turned suspicious, for a while, of this banker—there was a vast contemporary suspicion of bankers throughout the lower orders of society—or possibly it was his Bankruptcy Law, and at the next Assembly election Colonel Burr was defeated.

4

And during the summer of 1799, there was more trouble. Colonel Burr, it was being loudly whispered, had secured in the Legislature the adoption of a bill permitting aliens to hold real estate, in return for which service the Holland Land Company had cancelled a bond against him for twenty thousand dollars.

The facts, revealed only after his death in a letter of the Colonel's written in 1799, were apparently as follows. Colonel Burr had been associated, in 1796, with Mr. Cazenove, the President of the Holland Company, in the speculative purchase for sale in Europe of some land in Pennsylvania—he was con-

tinually involved in such real estate manipulations —and his own interests had been mortgaged to the company, security being provided through the twenty thousand dollar bond of a friend, Thomas Witbeck. The latter's credit at Albany having become impaired as a result of this obligation, his bond was taken up and that of the Colonel's stepson, Frederick Prevost, substituted. "In this transaction," Colonel Burr stated in his letter, "I never suspected that Cazenove imagined that he was doing a favor to me or Thomas L. Witbeck, and I am confident that he never entertained so absurd a belief. It was with great reluctance that I gave Prevost's bond. I had claims on Witbeck which justified me in exposing him to some hazard. Prevost had a family, a clear, independent estate, and did not owe a cent in the world; but he had better nerves than Witbeck, and would not tease me."

Eventually, after considerable discussion, "it was at length agreed that I should convey to the Holland Company, absolutely, the 20,000 acres Presque Isle lands. That this should be received in discharge of the advances that Cazenove had made thereon, and in full satisfaction of all damages claimed by the covenants: and that therefore the covenants should be cancelled, the bond of I. A. Frederick Prevost be given up, and the Holland Company take back their lands." As for the Alien Bill—"By those who know me, it will never be credited that any man on earth would have the hardiness even to propose to me dishonorable compensation; but this apart, the absurdity of the calumny . . . is obvious from the following data. . . . That Witbeck's bond was

never given up, but was exchanged for one more safe and valuable; that I have not, nor by possibility could have, any interest in this exchange, as it was relieving one friend to involve another still more dear to me; that, so far from any understanding between Cazenove and me, we had controversies about the very bond and penalty for more than a year after the passing of the Alien Bill. . . ."

The Colonel should, of course, have made this publicly clear at the time, but "this, sir, is the first time in my life that I have condescended (pardon the expression) to refute a calumny. I leave to my actions to speak for themselves, and to my character to confound the fictions of slander. And on this very subject I have not up to this hour given one word of explanation to any human being. All the explanation that can be given amounts to no more than this—That the thing is an absolute and abominable lie." But unfortunately the innocence of the Colonel's actions was not always as manifest to the community as he imagined, and the conception of his character prevalent in certain circles did not justify the confidence which he placed in it as a self-evident sponsor for his integrity. The rumors continued to circulate until they were finally repeated at a private dinner by John Barker Church; and Mr. Church was the brother-in-law of Mr. Hamilton, and Mr. Hamilton was the counsel of Mr. Cazenove—an interesting association of circumstances.

Colonel Burr immediately challenged Mr. Church to a duel. They met at Weehawk, on September 2, 1799, Judge Burke of South Carolina acting for Colonel Burr, while Abijah Hammond seconded

Mr. Hamilton's brother-in-law. It so happened that the bullets cast for the Colonel's pistols were too small, so that they needed to be covered with greased chamois skin. Colonel Burr had explained this to Judge Burke, but when he took his station he noticed his second hammering in the ramrod with a stone, and guessed that the grease had been forgotten; in fact, when the pistol was handed to him, the bullet was not properly home. "I know it," Judge Burke blandly admitted, "I forgot to grease the leather, but don't keep him waiting, just take a crack as it is, and I'll grease the next." In the face of this somewhat fantastic emergency, Colonel Burr took his crack, neither shot being effective, although Mr. Church's bullet passed through his adversary's coat, and while the pistols were being reloaded for the second fire Mr. Church offered an apology for his slander which was accepted.

5

Colonel Burr was now in his forty-fourth year, he had lived a little more than half his life, he was approaching the brief climax of his career. One has seen him precocious, fearless, full of authority, endowed with the prudence of responsibility, a disciplinarian, a tactician, a leader; one has seen him devoted, affectionate, endlessly solicitous, and yet impetuously ill-tempered, fantastically exacting in his home, a taskmaster and a martinet; one has seen him so orderly, so abstemious, so industrious, and at the same time so improvident, so extravagant, so reckless; one has seen him gifted, fascinating,

admired and successful; one has also seen him hated, despised and discredited.

Because the gentleman was thought by many of his contemporaries to be a little too shrewd, a little too sharp, a little too slippery. He was always in debt, always evading, always contriving; one hesitated to accept his offers of bail; one preferred not to be his bondsman. There was lacking in him some essential principle of stability, some fundamental instinct of honesty, some necessary element of sincerity. He did not convince. He left one dubious, apprehensive, skeptical; one remembered things afterwards; one could never be quite sure. What did he really mean? What was he really thinking? What had he really done? So conscious of his honor, so confident of his character, so superior to suspicion—but still he inspired distrust, he aroused misgiving, he occasioned rumor. He invited slander and accumulated calumny. His name was weighted with connotations, his private behavior was a public scandal. His sails were trimmed to the winds of opportunity, he darkened the threshold of lobbies, he was never absent at the fortunate moment. His integrity could be discussed. He was too much given to secrecy, too deeply engrossed in mystery, too great an adept at intrigue. His mind was too conversant with duplicity, too readily acquiescent to falsehood, too perfected in hypocrisy. His very generosity was too often only the impulse of a deceptive prodigality. Always in need of money, always in search of fame, he was never the sponsor of any cause except his own. Bereft of emotion, he was ruled by interest rather than conviction.

Under the surface of a bewildering promise there lay hidden the shabbiness of a surpassingly deceitful nature.

At all events, Colonel Burr was acquiring a reputation. . . .

CHAPTER IV

THE MARTLINGS

I

And with Mr. Hamilton, things had not been going so well; for while certain factions showed a disposition to slander Colonel Burr, the late Secretary of the Treasury had been obliged to convict his own morals, in order to avoid the implications of further scandal.

It all went back to 1792, when a certain James Reynolds and his partner Jacob Clingman had been arrested on a charge of subornation of perjury. Released on bail, Clingman had appealed to Mr. Muhlenburgh, Republican Speaker of the House, for assistance, assuring him that Reynolds possessed information involving Mr. Hamilton in fraudulent financial transactions. Mr. Muhlenburgh, gathering about him Congressman Venable and Senator James Monroe, visited Reynolds who corroborated Clingman in a vague way, and promised to tell everything as soon as he should be set free. He was discharged on the following day, and immediately disappeared. The Speaker, the Congressman and the Senator then called upon Mrs. Reynolds, who informed

them that Mr. Hamilton had been corresponding for some time with her husband, but that she had destroyed most of the letters. She produced two, however, in Mr. Hamilton's writing, and had some interesting observations to make concerning what she could relate had she a mind to.

The three investigators returned to Clingman, procured one or two more letters and affidavits, and waited upon Mr. Hamilton, who, a few hours later, made certain explanations to his visitors which placed the matter in an entirely different light. He also obtained from Mr. Monroe a promise that the documents in their possession be carefully protected from mischievous use. But when, in 1794, Mr. Monroe was sent to France, he handed the documents to "a respectable character in Virginia." And in 1797, they were published in *The History of the United States for 1796*, written by James Thompson Callender, a disreputable Republican hack writer in the employ of another—or was it the same—"respectable character in Virginia," Thomas Jefferson. The *History* contained the papers which the precious trio had accumulated, and a personal statement of Mr. Monroe's to the effect that Mr. Hamilton's explanations, and the letters which he produced in support of them, were falsehoods and forgeries.

Whereupon Mr. Hamilton published a pamphlet entitled "Observations on certain Documents . . . in which the charge of Speculation against Alexander Hamilton, late Secretary of the Treasury, is fully refuted. Written by Himself." Forced to choose between his integrity and his virtue, Mr. Ham-

ilton had come to his own desperately courageous decisions, for he admitted that "the charge against me is a connection with one James Reynolds for purposes of improper pecuniary speculation: my real crime is an amorous connection with his wife, for a considerable time, with his privity and connivance. This confession is not made without a blush; I cannot be the apologist of any vice, because the ardor of passion may have made it mine. I can never cease to condemn myself for the pang which it may inflict in a bosom eminently entitled to all my gratitude, fidelity and love: but that bosom will approve, that even at so great an expense, I would effectually wipe away a more serious stain from a name which it cherishes with no less elevation than tenderness. The public, too, will, I trust, excuse the confession; the necessity of it to my defence against a more heinous charge could alone have extorted from me so painful an indecorum."

This was the nature of the explanation which Mr. Hamilton had made to Senator Monroe and his colleagues in 1792, and which he now, in 1797, repeated in complete detail, giving the whole history of the affair, and appending copies of the correspondence from the Reynold's ménage which he had previously read to the Republican Senator.

Letters from Reynolds—"You took body advantage of a poor Broken harted woman, insted of being a Friend you have acted the part of the most Cruelist Man in existance you have made a whole family miserable, you villin"—"Give me the sum of One Thousand Dollars and I will leave town"—"Received . . . Six Hundred Dollars"—"Re-

ceived . . . Four Hundred Dollars"—"I have not the Least Objections to your Calling, as a friend to Bouth of us"—"Can I ask a favor once more of the lone of Two Hundred Dollars." And letters from Maria—"Oh my God I feel more for you than for myself and I wish I had never been born to give you so mutch unhappiness"—"I can neither Eat nor sleep I have Been on the point of doing the moast horrid acts . . . I shudder to think where I might have been what will become of me . . . all the wish I have is to Is to se you once more"—"If my dear freend has the least Esteeme for the unhappy Maria whos greatest fault Is Loveing him he will come as soon as he shall get this"—"Oh Col hamilton what have I done that you should thus neglect me . . . Let me beg of you to Come and If you never see me again oh if you think It best I will submit to It and take a long and last adieu . . . For heaven sake keep me not in suspince."

There was, naturally, a great rush of Federalist friends to suppress this astonishing publication. . .

2

But in 1798, the storm had rumbled away; Mr. Hamilton was a Major General; he was busy in politics, writing to Mr. Van Rensselaer that "it has occurred that Mr. Christopher Hutton . . . would make a good Mayor . . . I will thank you to have him sounded and let me know his disposition—But do it in such a manner as will commit neither you or myself, for I am not authorized to make any offer;" he was still a director in the Bank of New York, and telling the same gentleman that

"if it were convenient to me nothing would make me happier than to accommodate you with the entire sum [of a note] by way of loan; but the truth is that my public engagements have not only left me bare of Cash but have lain me under a necessity to use my credit at the Bank as far as consistently with delicacy in my station of director I ought to go."

And in 1799, there was a presidential contest approaching, preceded by a New York election, and the Federalists, especially in New York State, considered themselves invincible. But during the previous summer a Federalist Congress had passed an Alien Bill permitting the President to deport any alien suspected of conspiracy against the United States, and a Sedition Act whereby all persons who should oppose the Federal Government might be imprisoned. Prosecutions under the Act had occurred in several States, arousing a bitter popular hostility, and in particular the arrest and imprisonment for seditious pamphleteering of Matthew Lyon, a Republican Congressman from Vermont. Public indignation had threatened his release by force; the amount of his fine had been sent to him by messenger all the way from Virginia; and a reelection to Congress had been voted him while he was still serving his sentence.

To Colonel Burr, who was looking for a convincing campaign issue, the Lyon affair appealed as excellent material. Let the Republicans fight against the Alien and Sedition Acts. But Vermont was far away, it would be so much better to have a local example of the dreadful effect of these pernicious

laws. It was accordingly decided that Judge Jedediah Peck of Otsego County should be made the instrument of this demonstration of Federalist tyranny. A sarcastic petition for the repeal of the laws was prepared in New York, and sent to Judge Peck who made himself extremely active in the securing of signatures, and it was not long before the Otsego Federalists denounced him to the Federal authorities. The Judge was promptly arrested, at Cooperstown, and conveyed to New York by a United States marshal, under the sympathetic gaze of an outraged populace. The unintelligent Federalists had swallowed Colonel Burr's bait, and the Republican slogan was established—"Down with the Alien and Sedition Laws!"

3

The Colonel now required an efficient political machinery by means of which to win over New York to the Republican side. While the Republicans had little hope of victory—the State was overwhelmingly Federalist—it was nevertheless realized that success in the coming presidential election must depend on New York City, as otherwise both Pennsylvania and New Jersey would need to be carried. "If the city election of New York is in favor of the Republican ticket, the issue will be Republican," Mr. Jefferson prophesied. And so the Colonel—there was no question of his leadership in local Republican circles—the Colonel turned to the "Martlings," to the sachems and braves of the Tammany Society.

The Saint Tammany's Society or Columbian Order—Columbus was also a patron—had been founded in New York City in 1786, a revival of similar older associations, both military and civil, which had existed in many communities since before the Revolutionary War. The Society was named after Tammany—Tamanend or Taminy Sachimach—that Chief of the Delawares who, in 1697, "for the consideration of Twenty Matchcoats, Twelve White Blankets, Ten Kettles, Twelve Guns, Thirty Yards of Shirting Cloth, one Runlett of Powder, Ten Barrs of Lead, fforty yards of Stroud Waters, Twenty Parrs of Stockins, one Horse, ffifty pounds of Tobacco, Six Dozen of Pipes and Thirty Shillings in Cash," had granted to William Penn all that territory between the Pemopeck and Neshaminy extending in length from the River Delaware "so farr as a horse can Travel in Two Summer Dayes." A great Indian Sachem who "made peace with all," and who was first adopted as a patron saint by "the State in Schuylkill," or the Schuylkill Fishing Company, to whom Tammany had given certain fishing and hunting rights at the time of the founding, in 1732, of this Philadelphia club which still exercises its ancient and picturesque privileges.

It has sometimes been stated that the Tammany Society of New York was founded by Colonel Burr. He was, actually, never even a member of it; the task of definite reorganization having been accomplished, on May 12, 1789, by William Mooney, an upholsterer of Nassau Street, with the assistance of John Pintard, a member of the Society in New Jersey, after a meeting in March at which Mr.

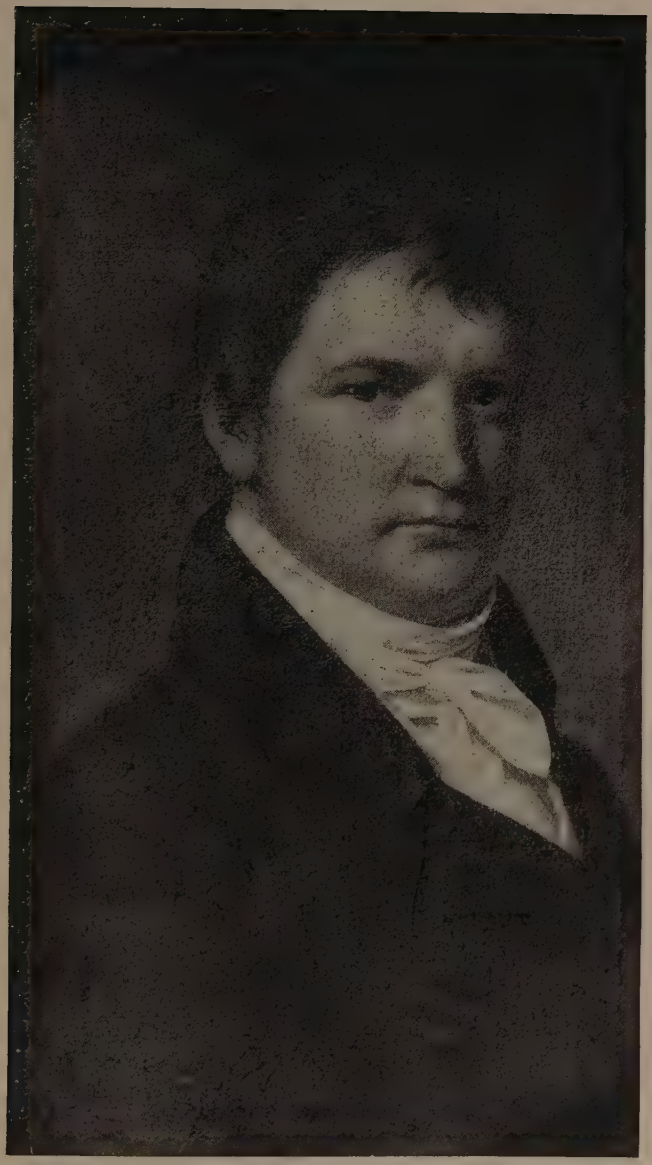
Mooney delivered to the Sons of Liberty an address on "Civil Liberty, the Glory of Man."

"The vicissitudes," he told them, "which occur in Political as well as in Civil Life are indelibly recorded in the Annals of Human affairs, and affirmed by the all seeing Eye of the Great Spirit; by whose Providence we exist, and have become a Great and Free People. Be it therefore remembered, that in consequence of encroachments on our inherited rights by adventurers from Foreign Lands, it has become imminently apparent that our Independence, so recently and so dearly obtained by our Fathers and our Brothers, in the Glorious but cruel sanguinary War of the Revolution, is in danger of being temporarily disturbed.

"In order therefore to counteract the machinations of these Slaves and Agents of foreign despots; a Great National Institution, founded on the basis of American Liberty as the rallying point of Freemen is indisputably necessary to be established for the preservation and perpetuity of those blessings which through Divine Providence we now enjoy, and have pledged ourselves to transmit unimpaired down to our latest posterity; the preceding brief outlines exclusive of a series of minor causes, being seriously and deeply reflected on by a few genuine Sons of Liberty, whose Patriotism, Virtue, Fortitude and Perseverance eventually after years of opposition surmounted all difficulties. Resolved to establish the contemplated Institution and to call it Tammany Society or Columbian Order. . . . Year of Discovery 297th of Independence 13th and of the Institution 1st."

The Society under a Great Father, thirteen Sachems, a Sagamore master of ceremonies, a scribe and a Winkiskee doorkeeper, appealed for its membership to all the Whigs, all the old Sons of Liberty, all the democrats, all the little artisans and small freeholders of the town. And while the Society had been "founded on the broad basis of natural rights and . . . solely designed to connect American brethren in the indissoluble bonds of Patriotic Friendship," still Mr. Pintard had put it very neatly when he said that Tammany's "democratic principles will serve in a measure to correct the aristocracy of our city;" and the strongly anti-Federalist character of this secret organization was perfectly manifest under the Indian rituals, the Wigwams and Long Talks, the paint and feathers and the bucktail emblems of its external sociabilities.

And if Colonel Burr was never a member, if he did not help Mr. Pintard and Mr. Mooney with their constitution, his supporters were all members, his most loyal henchmen—Matthew Davis, Van Ness, John Greenwood, the Swartwouts—were all Sachems, and the Society was as thoroughly under his control as though he had been Saint Tammany himself. He did not have to be present—he would not under any circumstances have condescended to be present—at the plebeian festivities held in the Long Room at Martling's, that somewhat shabby tavern on the corner of Nassau and George Streets, which the Federalists scornfully called the Pig Pen. But he knew what went on there, he had but to whisper a word, to crook his finger, and the Martlings, the "Bucktails" of a slightly later period, were with him.



JOHN SWARTWOUT

Now reproduced for the first time from an original portrait in the possession of the family.

4

To them Colonel Burr turned, in what he knew to be his decisive political conflict with Alexander Hamilton. The city must be won. The Martlings were organized; the membership of Tammany increased in great numbers; accurate poll lists were made for the first time of all the voters; out at Richmond Hill, and at the town house, Theodosia sat by her father's side at conclaves with the Colonel's lieutenants, with the corps of young men whom he had gathered about him and whom she called the Tenth Legion in reply to Mr. Hamilton's disparaging "myrmidons"; the electorate was entreated with oratory.

And Colonel Burr drew up a ticket, perhaps one of the strongest lists of the kind ever compiled, certainly one of his greatest achievements, the fruit of his incomparable shrewdness and skill in the presence of obstinate refusals and factional jealousies. They waited until Mr. Hamilton had made public his personally selected candidates, and then the Republicans announced their own—Mitchill for Congress, Dunning, Purdy and Hunting for the Senate, and for the Assembly Samuel Osgood, John Broome, John Swartwout and five other influential citizens, and Brockholst Livingston, perhaps the foremost Republican in New York, Horatio Gates, the victor of Saratoga, and the venerable George Clinton. It was a list to read over more than once, and the voters were not to know that Livingston and Gates had been cajoled against their will, and that Clinton had flatly refused to accept the nomination, but had

promised not to say so in the papers. Colonel Burr himself was a candidate from Orange County, where they were not so touchy on the subject of pure and wholesome water.

The ticket was ratified at a great Republican rally, and the remainder of the time before election was spent in the manufacture of pamphlets, in stump speeches throughout the wards and precincts, and in mass meetings at which the Colonel frequently found himself on the same platform, architecturally at least, with Mr. Hamilton. And "Sandy" was always a long talker. And when the first day of election came, April 29, 1800—there were three days of balloting during which unregistered citizens presented themselves at the polls in an uproar of wagers, libations and free fights—Mr. Hamilton was still talking while the Martlings were voting. He jumped on his horse, finally, and rode through the wards, declaiming against the Jacobin peril, but the Martlings had performed their task, and when the votes were counted the entire Republican ticket had been elected with a majority of four hundred and ninety; Colonel Burr had won in Orange County; the city and State had gone Republican.

They made a tremendous night of it at the Wigwam; and out at Richmond Hill Livingstonians, Clintonians and Burrites assembled to congratulate their chief. Federalism was defeated, Alexander Hamilton laid low—now for the presidency. . . .

5

In fact, Mr. Hamilton was laid so low, that he did not, in the presence of this disaster, hesitate to

stoop a little lower. On May 7, after a secret Federalist caucus in New York, he wrote to Governor Jay, proposing that he call a special session of the outgoing Federalist Legislature for the purpose of enacting a measure whereby presidential electors should be chosen by districts instead of by the new Republican Legislature. The proposal had already been made a year or two before by Colonel Burr, but not under circumstances of similar emergency.

"You, sir, know in a great degree the anti-federal party," Mr. Hamilton told the Governor, "but I fear you do not know them as well as I do. 'Tis a composition, indeed, of very incongruous materials, but all tending to mischief—some of them to the overthrow of the government . . . others of them to a revolution after the manner of Bonaparte. . . . The calling of the legislature will have for object the choosing of electors by the people in districts; this . . . will ensure a majority of votes in the United States for a Federal candidate. The measure will not fail to be approved by all the Federal party, while it will, no doubt, be condemned by the opposite. As to its intrinsic nature, it is justified by unequivocal reasons of public safety. The reasonable part of the world will, I believe, approve it. They will see it as a proceeding out of the course, but warranted by the particular nature of the crisis and the great cause of social order.

"If done the motive ought to be frankly avowed . . . the legislature . . . ought to be told that temporary circumstances had rendered it probable that, without their interposition, the executive authority of the general government would be trans-

ferred to hands hostile to the system heretofore pursued . . . and dangerous to the peace, happiness and order of the country. . . . In weighing this suggestion you will doubtless bear in mind that popular governments must certainly be overturned; and while they endure prove engines of mischief, if one party will call to its aid all the resources which vice can give, and if the other (however pressing the emergency) confines itself within all the ordinary forms of delicacy and decorum. . . . Think well, my dear sir, of this proposition; appreciate the extreme danger of the crisis, and I am unusually mistaken in my view of the matter if you do not see it right and expedient to adopt the measure."

The Governor simply endorsed the letter "Proposing a measure for party purposes which it would not become me to adopt." Mr. Jay was always the living interpretation of rectitude, nor did he require any advice from Mr. Hamilton on the subject of delicacy and decorum. There was no special session of the Legislature; but the Republicans got wind of the Federalist plot and immediately published it in the Philadelphia *Aurora*, to the great dismay of the Federalists, who, for the most part unaware of Mr. Hamilton's communication, drowned out the uproar with denials. . . .

6

But Mr. Hamilton was to do even better. There were, in Maryland, ten presidential electors to be chosen by popular vote; it occurred to Mr. Hamilton that the Maryland Legislature might prove a more amenable body in which to effect an election of these important personages compatible with Federalist

ambitions. The incident would have perhaps remained in obscurity, except for a hitherto unpublished letter written, on August 7, 1800, to Charles Carroll of Carrollton by "your obed. Servant, A. Hamilton."

"In the present critical State of public Affairs," he observed, "it is desirable that the influential friends of the Government in different States should communicate with each other and give mutual information. With this view I shall now offer you a short sketch of the State of things North of Maryland according to the advice I have received—and in return shall beg you for the substance of your information concerning the more Southern Quarters, particularly the State of Maryland. In New Hampshire there is no doubt of Federal Electors—but there is a decided partiality to Mr. Adams. . . . I took pains to supply . . . the defects and errors of Mr. Adams . . . consequently of the expediency and necessity of unanimously voting for General Pinckney . . . as the best means of excluding Mr. Jefferson. . . . Yet I do not count upon New Hampshire for more than two things—an unanimous vote for Mr. Adams and no vote for an antifederalist.

"In Massachusetts almost all the leaders of the first class are dissatisfied with Mr. Adams, and enter heartily with the policy of supporting General Pinckney. But most of the leaders of the second class are warmly attached to Mr. Adams and fearful of jeopardising his election by promoting that of General Pinckney. . . . Rhode Island is in a state somewhat uncertain. Scisms have grown up from personal rivalship which have been improved

by the Antifederalists to strengthen their interests . . . Connecticut will, I doubt not, unanimously vote for General Pinckney. . . . About Vermont I am not accurately informed, but I believe Adams and Pinckney will both have all the votes.

"In New York all the votes will certainly be for Jefferson and Burr. New Jersey does not stand as well as she used to do. The Antif. hope for the votes of this State. . . . If the electors are Federal . . . Adams will or will not be [voted for] as leading friends shall advise. It is a question whether there will be any Election in Pennsylvania but I rather suppose there will be one by Districts. . . . Everybody take it for granted that Delaware will give all federal Electors; who will certainly vote for General Pinckney, and for Adams or not as they shall be advised.

"Hence you will perceive that our prospects are not brilliant and that there is too much probability that Jefferson or Burr will be President. The latter is intrigueing with all his might in New Jersey, Rhode Island and Vermont. There is a probability of some success to his intrigue. He counts positively on the unanimous support of the Antifederalists and that by some adventitious aid from our quarter he will overstep his friend Jefferson. If he does he will certainly attempt to reform the Government à la Bonaparte. He is as unprincipled and dangerous a man as any country can hold.

"As between Pinckney and Adams I give a decided preference to the first. If you have not heard enough to induce you to agree in this opinion, I will upon your request enter into my reasons. Mr. Adams has

governed and must govern from impulses and caprice, and the influence of the two most mischievous of Passions for a Politician, to an extreme that to be pourtrayed would present a caricature—Vanity and Jealousy. He has already disorganized and in a great measure prostrated the Federal Party, under his auspices the Government can scarcely fail to decline and with him the Federal party will be disgraced. This is my anticipation on mature reflection.

"Will not Maryland vote by her Legislature? I am aware of strong objections to the measure; but if it be true as I suppose that our opponents are at Revolution and employ all means to secure success the contest must be very unequal if we not only refrain from unconstitutional and criminal measures, but even from such as may offend against the routine of strict decorum."

Mr. Hamilton was so fond of the word decorum. . . .

CHAPTER V

THE HOUSE ELECTS

I

THINGS were all at sixes and sevens in the Federalist party. Mr. Adams by his conceit, his arbitrariness and his immoderate vanity had antagonised considerable numbers of his influential adherents; he had quarreled with two of his Secretaries, dismissed Mr. Pickering from the State Department, and forced the resignation of Mr. McHenry from the War Department; he had brought about a condition of jealous chaos in his own councils. With a presidential election on their hands, and the threat of a Republican success requiring the utmost harmony and concentration of effort, the Federalists were split into Adamites and Pickeronians; Mr. Hamilton was actively campaigning for the Pickeronian candidate, General Pinckney, and was doing all in his power to defeat his party chief. One is evidently to understand that this was not intrigue on the part of Mr. Hamilton; the process was confined solely to Colonel Burr and his followers. With Mr. Hamilton it was merely the expedient departure from an inconvenient decorum.

And in October, 1800, Mr. Hamilton carried his temporary neglect of decorum to the point of issuing a pamphlet against Mr. Adams, in which the latter's egotism, jealousy, indiscretion and ill-temper were spread upon the printed page for all the world of southern Federalism to read, and run to General Pinckney's support. It had not, however, been Mr. Hamilton's intention that the pamphlet be read by the Republicans, or even by the northern Federalists; it was, therefore, a mortifying surprise to him when extracts of his little publication appeared in the Republican Philadelphia *Aurora* and New London *Bee*—prepared by that terrible Colonel Burr from a copy purloined in some manner from a negligent printer. There arose a howl of Federalist consternation, interspersed with prolonged Republican guffaws, and Mr. Hamilton had the pleasure of learning, from the pleasant pen of Mr. Cheetham, that—

"Having already pointed out some extraordinary defects in your political creed, it is time to make a nearer approach and investigate those cardinal points of private rectitude which your boldness has opened to the severest investigation. It would seem from the firmness of your assertion, that you had either forgotten the occurrences of late years, or that the most flagrant violations of morality are not regarded as criminal . . . we might be reduced to believe that some of the most transporting and luxuriant occurrences of your life were cancelled from your memory. . . . Well might you complain of your poverty when you resigned the office of secretary of the treasury; that enchanting calypso under the extravagance of your attachment had fingered your

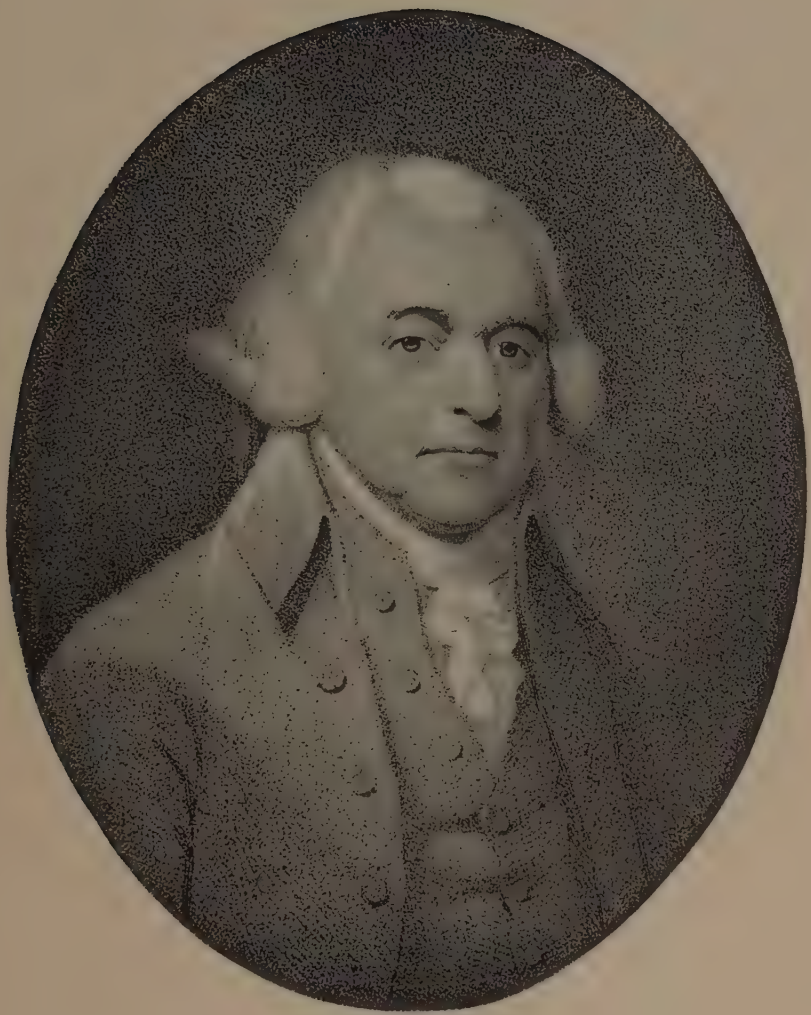
purse. . . . Oh! These were sweet and elysian days . . . but alas . . . the public began to smell a rat . . . and precious confessions became necessary . . . the unfortunate Maria was doomed to an exposure of all others the most poignant and afflicting to female sensibility. From this slender survey of your private morality, was it not the most arrogant presumption to challenge an investigation."

At all events, it furnished one more grudge against Colonel Burr.

2

In the Republican ranks there was very little argument. With New York safely Republican as a result of Colonel Burr's victory over the Giant of Federalism, the presidency seemed assured. That this office belonged to Thomas Jefferson, the Mammoth of Democracy, was obvious—although not quite so obvious perhaps to George Clinton—and it was only right that the second post of honor should be conferred upon Colonel Burr.

The matter had been decided in May, at a caucus in Philadelphia, although the Clintonians were afterwards to accuse Colonel Burr of interference and machination. According to them, Mr. Gallatin had deputed Commodore Nicholson to sound out Chancellor Livingston, George Clinton and Burr for the Vice Presidency; Commodore Nicholson had done so, and had selected George Clinton; but before sending in his written report he had consulted Burr, who caused Clinton's name to be erased and his own to be substituted. This version was loudly proclaimed by Mr. Cheetham, and as vigorously



JOHN ADAMS

denied by William Van Ness, a prominent Burrite. In any case, the national Republican ticket was Jefferson and Burr.

For a platform—the first political platform ever adopted in America—the Republicans advocated "an inviolable preservation of the Federal Constitution, according to the true sense in which it was adopted by the States, that in which it was advocated by its friends, and not that which its enemies apprehended, who therefore became its enemies." Aside from that, they came out for a small army and navy; for freedom of speech and religious toleration; for free trade and States' rights; for an avoidance of foreign treaties and a minimum of international diplomatic intercourse. And they came out against John Adams, against that monarchist despot, that tyrant who wished to make himself King, that "well born" aristocrat who talked about the "swinish multitudes" and who favored titles of nobility. Down with the British faction, down with Alexander Hamilton and his taxes, down with the Alien and Sedition Laws, and down with the Federalists who dared to call Thomas Jefferson a Jacobin, an atheist and a college philosopher.

The summer of 1800 passed; State Legislatures convened, and selected their presidential electors; in December, the Electoral College assembled and cast its historic ballot. One vote for Mr. Jay, sixty-four votes for General Pinckney, sixty-five votes for Mr. Adams, and seventy-three votes apiece for Mr. Jefferson and Colonel Burr. It was a Republican victory; but owing to their own clumsiness in not causing the necessary votes to be transferred from

Burr to Jefferson there was a tie. Virginia, it was said, had meant to do it, but had been told that New York was attending to it. And now there was a deadlock, and the House of Representatives must take the two names having received the highest Electoral vote and procure for one or the other a majority, not of the one hundred and six members, but of the sixteen States represented.

3

If the election had depended only on a majority of the members, Colonel Burr would probably have been chosen on the first ballot. As between Jefferson and Burr—since they were constrained to vote for one or the other—the Federalists were overwhelmingly in favor of the latter. The Republican victory was a catastrophe in their eyes—a peril to all the financial, commercial and industrial interests in the country, a triumph of social anarchy and southern agrarianism—but of the two personal evils, Colonel Burr was the lesser. He had been a soldier, he had himself founded a bank, he had shown himself reasonably sensible and moderate in politics, he was a New Englander by descent—not one of the Virginia crew of which the North was becoming so weary—and in any case, he or anyone else was preferable to that demagogue, that half-baked scientist, that collector of fossils, that inventor of whirligig chairs, that public calamity, Thomas Jefferson.

"The Federal States in Congress will give Mr. Burr their suffrages" the Boston *Centinel* predicted. "Mr. Burr has never yet been charged with writing

libelous letters against the government of his country to foreigners, and his politics always have been open and undisguised." The Federalist leaders of Congress felt the same way, although some were talking of preventing any election and having Congress appoint a temporary President—Mr. Marshall, for instance, or Mr. Jay. "The object with many is to take Mr. Burr, and I should not be surprised if that measure is adopted," Gouverneur Morris wrote to Mr. Hamilton. "The situation of our country . . . seems indeed to call for a vigorous, practical man." And again he told him that the Federalists preferred Colonel Burr because they believed that "to courage he joins generosity, and cannot be branded with the charge of ingratitude; but they consider Mr. Jefferson as infected with all the cold-blooded vices. . . . They believe, moreover, that whatever may be Mr. Burr's conciliatory disposition, it will be impossible for him to assuage the resentment of the Virginians, who will consider his acceptance as treachery, for Virginia cannot bear to see any other man than a Virginian in the President's chair." And in his diary Mr. Morris recorded that "it seems to be the general opinion that Colonel Burr will be chosen President. . . . I state it as the opinion, not of light and fanciful but of serious and considerable men, that Burr must be preferred to Jefferson."

But Mr. Hamilton was not of this opinion, and his whole energy was spent in disparaging his enemy. Colonel Burr, he wrote, was "bankrupt beyond redemption except by the plunder of his country. . . . Yet it may be well enough to throw

out a lure for him, in order to tempt him to start for the plate, and thus lay the foundation of disunion between the two chiefs. . . . . To accomplish his end he must lean upon unprincipled men, and will continue to adhere to the myrmidons who have hitherto surrounded him. To those he will, no doubt, add able rogues of the Federal party, but he will employ the rogues of all parties, to overrule the good men of all parties, and to prosecute projects which wise men of every description will disapprove." Every step in his career proved "that he has formed himself upon the model of Cataline, and that he is too cold-blooded and too determined a conspirator ever to change his plan. . . . Adieu to the federal Troy if they once introduce this Grecian horse into their citadel."

No engagement made with him, Mr. Hamilton told Mr. Morris, "can be depended upon while making it; he will laugh in his sleeve at the credulity of those with whom he makes it; and the first moment it suits his views to break it he will do so. Let me add, that I could scarce name a discreet man of either party in our State who does not think Mr. Burr the most unfit man in the United States for the office of President." Colonel Burr was "a man of extreme and irregular ambition," he was "selfish to a degree which excludes all social affections," he was "decidedly profligate." He was "far more cunning than wise, far more dexterous than able. . . . I have been present when he has contended against banking systems . . . yet he has lately, by a trick, established a bank, a perfect monster in its principles, but a very convenient

instrument of profit and influence. . . . The truth is, that Burr is a man of a very subtle imagination, and a mind of this make is rarely free from ingenious whimsies."

Aside from that—"Confidential, A. Burr. He is in every sense a profligate; a voluptuary in the extreme with uncommon habits of expense; in his profession extortionate to a proverb . . . his friends do not insist upon his integrity. He is without doubt insolvent for a large deficit. All his visible property is deeply mortgaged. . . . The fair emoluments of any station . . . will not equal his expenses. . . . He must therefore . . . have recourse to unworthy expedients. These may be a bargain and sale with some foreign power, or combinations with public agents in projects of gain by means of the public moneys; perhaps and probably, to enlarge the sphere—a war.

"He has no pretentions to the Station from services. . . . At a critical period of the war he resigned his Commission, assigning for cause ill-health . . . the circumstance caused much jealousy of his motives. . . . No mortal can tell what his political principles are. . . . He has talked all around the compass. . . . The truth seems to be that he has no plan but that of getting power by any means and keeping it by all means. . . . He is of a temper bold enough to think no enterprise too hazardous and sanguine enough to think none too difficult. . . .

"Discerning men of all parties agree in ascribing to him an irregular and inordinate ambition. Like Cataline, he is indefatigable in courting the young and the profligate. . . . By natural disposition

the haughtiest of men, he is at the same time the most creeping to answer his purposes. . . . He is artful and intriguing to an inconceivable degree. . . . Though possessing infinite art, cunning and address he is yet to give proofs of great solid abilities. It is certain that at the Bar he is more remarkable for ingenuity and dexterity, than for sound judgment or good logic. . . ."

But at the same time, "I dined with him lately," Mr. Hamilton advised Mr. Morris. Colonel Burr's dinners were acceptable, anyway. . . .

4

In spite of Mr. Hamilton, the Federalists continued their efforts to secure the election of Colonel Burr during the two months intervening between the Electoral College balloting and the convening of Congress. "Mr. Burr, in knowledge necessary to form the great and enlightened statesman, is much superior to Mr. Jefferson," the Washington *Federalist*, organ of the administration, proclaimed. "Mr. Burr never penned a declaration of independence, but he has engraved that declaration in capitals with the point of his sword. It is yet legible on the walls of Quebeck. He has fought for that independency, for which Mr. Jefferson only wrote." From Washington, Congressman Harper of South Carolina, who controlled the Federalist campaign, wrote to Colonel Burr, on December 24, 1800, advising him to refrain from any action which might impede or embarrass a choice by the House. "Do not answer this letter," he told him, "or any other that may

be written you by a Federalist man, nor write to any of that party."

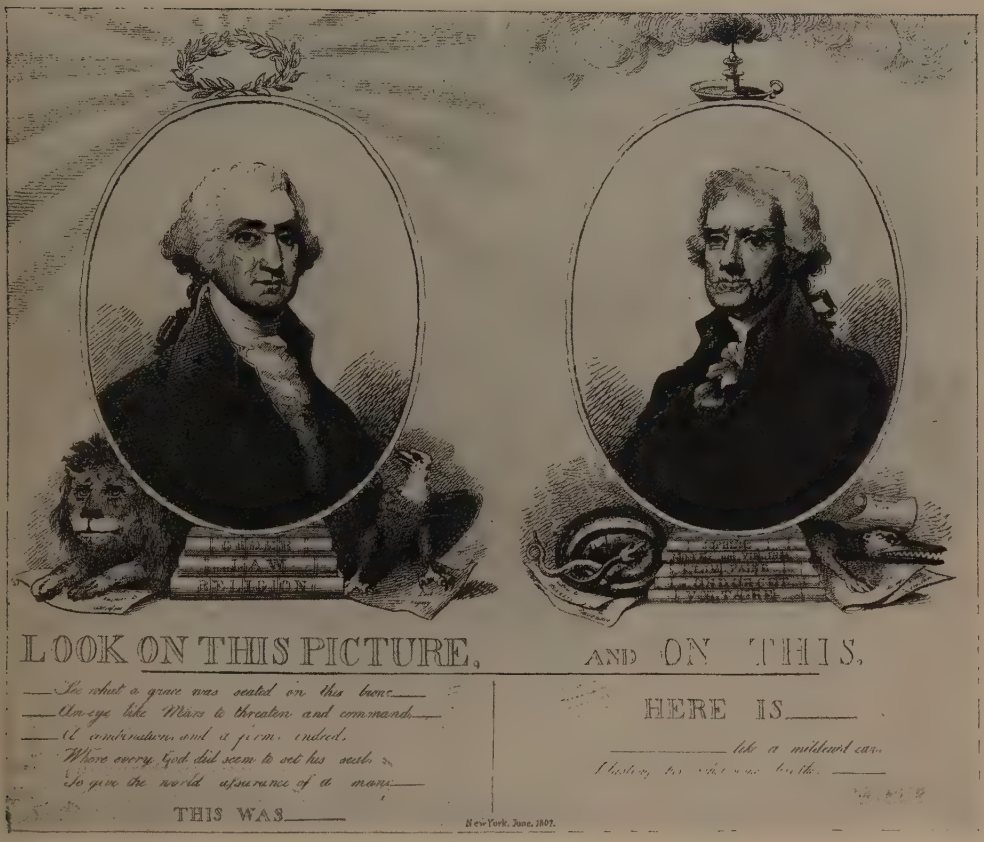
But the Colonel, who was in Albany, had already written, on December 16, to General Samuel Smith of Maryland, a close friend of Mr. Jefferson's, that "it is highly improbable that I shall have an equal number of votes with Mr. Jefferson; but if such should be the result, every man who knows me ought to know that I would utterly disdain competition. Be assured that the Federal party can entertain no wish for such an exchange. As to my friends, they would dishonor my views and insult my feelings, by a suspicion that I could be instrumental in counteracting the wishes and the expectations of the United States. And I now constitute you my proxy to declare these sentiments, if the occasion shall require." The letter had been, accordingly, published, and widely and most favorably commented on in Republican circles. As for Mr. Jefferson, he had just written, on December 14, to Robert Livingston, brother of the influential Republican Congressman Edward Livingston, congratulating him on his scientific achievements, reminding him that the Government would naturally wish to avail itself of the services of men of talent, prominence and good family, and offering him the Secretaryship of the Navy. . . .

So matters stood, when the House assembled, in February, 1801, for the momentous session. Washington, in which Government had been installed since June, 1800, was a madhouse; a seething hornet's nest of partisan hostility, crowded to the eaves with spectators who slept fifty at a time on the

floors of tavern tap-rooms, clamorous with processions, panic stricken with rumors of every description—the Pennsylvania militia was marching on the city—Mr. Jefferson and Mr. Burr were to be joint Presidents—John Marshall was going to appoint a Chief Magistrate, and if so he would be assassinated—the Republicans had determined to ignore the Constitution—it was the end of the Union.

In the meantime, on February 9, the House adopted the rules of procedure by which it should be guided; on Wednesday, February 11, the Speaker, accompanied by the House, proceeded to the Senate chamber, the certificates of election were opened by Mr. Jefferson and the Electoral College vote counted, and the House returned to its own apartment. The voting would be by States, each State ballot being determined by the majority of its delegates; an evenly divided vote would be recorded blank. Mr. Nicholson of Maryland was brought on a sick bed into one of the committee rooms. The galleries were cleared, the doors were closed.

On the first ballot, there were eight States for Jefferson, six for Burr and two blank. At midnight, nineteen ballots had been taken without any change. "February 12, one o'clock in the Morn," a Congressman wrote home, "we have had nineteen ballots and the result is 8 for Jefferson—6 for Burr—2 divided. . . . When we shall come to a conclusion I know not. We are determined neither to adjourn nor yield until the 4th of March. . . . The feds voted closed doors that they might screen themselves from the public eye. This moment the 20th ballot is declared—the result as before." Con-


LOOK ON THIS PICTURE,
AND ON THIS.
—See what a grace was seated on this brow—
—An eye like Mars to threaten and command—
—A combination and a form indeed,
Where every God did seem to set his seal,
To give the world assurance of a man—
THIS WAS—
HERE IS—
New York. June. 1807.

GEORGE WASHINGTON AND THOMAS JEFFERSON

From a cartoon published in 1807, of which there are only five known copies in existence. Courtesy of the Robert Fridenberg Galleries.

gressmen were sending out for their nightcaps, exhausted men slept in their seats propped up with pillows, some of them snored on the floor. Ballots were recorded until the twenty-eighth, at noon on February 12, when a recess was declared.

"I begin to question whether this is not a dream," another man wrote. "Where will it end, or what is meant by it? You will ask. I most seriously believe that it is meant to dissolve the government—and to excite the Republicans to violence. I conjure you to use all means in your power to repress a spirit of anger. . . ."

One ballot was taken at noon on February 13, followed by another twenty-four hour recess. On Saturday, February 14, after four more ballots, recess was declared until Monday, February 16. At noon on that day, the thirty-fourth and fifth ballots were taken. On the thirty-sixth ballot, "having . . . received assurances," Mr. Baer of Maryland afterwards wrote to Richard Bayard, "from a source in which we placed reliance that our wishes with regard to certain points of Federal policy . . . would be observed in case Mr. Jefferson was elected, the opposition of Vermont, Delaware and Maryland was withdrawn . . . myself and my colleagues did the same, and General Morris absented himself. The South Carolina Federalists also put in blank ballots. This terminated the memorable contest."

Jefferson had ten States, Burr four—Massachusetts, New Hampshire, Connecticut and Rhode Island—with Delaware and South Carolina blank. It was said that Matthew Lyon of Vermont had started the stampede. In a few moments, guns were

firing, bells were ringing; post riders were galloping off through delirious crowds flaunting tricolor cockades and singing *Jefferson and Liberty*—

"Calumny and falsehood in vain raise their voice
To blast our Republican's fair reputation;
But Jefferson still is America's choice,
And he will her liberties guard from invasion. . . ."

5

It was not long before a great outcry of intrigue arose from the halls of Congress and was bellowed in the Republican *American Citizen* and *Aurora* by those two inkstained hyenas, Cheetham and Duane. Colonel Burr had intrigued to have himself chosen President, and the flat denials of those Federalist and Republican Congressmen alleged to have been approached, of such men as Bayard and Livingston, were incapable of silencing the two most notoriously despicable hack hirelings in the country.

There is no doubt that the Colonel's friends had exerted themselves on his behalf in Washington while he remained at Albany. One is not to suppose that the lobbies of Congress, or the parlors of the Union Tavern and of Conrad's boarding-house remained silent and untenanted during the conclave. "How comes it," General Armstrong asked Gouverneur Morris, so Mr. Jefferson recorded in his diary on February 14, "that Burr who is four hundred miles off has agents here at work with great activity, while Jefferson who is on the spot does nothing?" How comes it, indeed, and how comes it that on Febru-

ary 12, Judge Cooper of Cooperstown was writing to Thomas Morris that "we have . . . locked ourselves up . . . to proceed to choose a President . . . We shall run Burr perseveringly . . . A little good management would have secured our object on the first vote . . . Had Burr done anything for himself, he would long ere this have been President. If a majority would answer, he would have it on every vote." And that Congressman Bayard was writing to Mr. Hamilton, in March, that "the means existed of electing Burr, but this required his co-operation. By deceiving one man (a great blockhead) and tempting two (not incorruptible) he might have secured a majority of the States."

As a matter of fact, the shoe was perhaps on the other foot. There were six persons including himself, Congressman Baer stated long afterwards, who controlled the outcome—men from Vermont, Delaware and Maryland—and "much anxiety was shown by the friends of Mr. Jefferson, and much ingenuity used to discover the line of conduct which would be pursued by them." And on the last day, the fight for Colonel Burr was abandoned because "no change had taken place in his favor, and there was no evidence of any effort on the part of himself or his personal friends to procure his election," while there were "assurances" of certain advantages "in case Mr. Jefferson was elected."

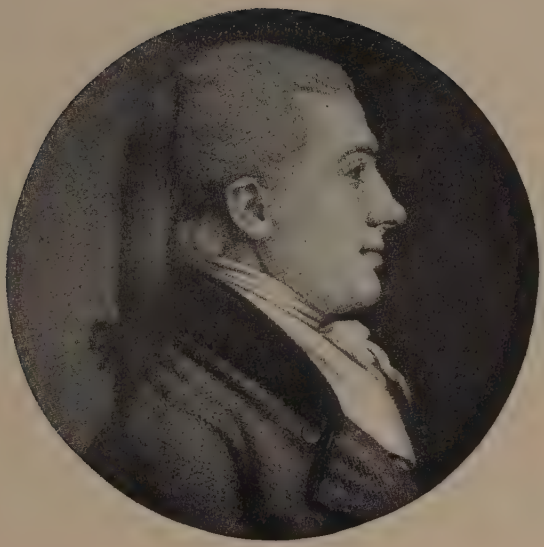
But as late as 1804, these matters were not yet known, and Colonel Burr finally began a suit for libel against James Cheetham. Two years later, the suit having been delayed and shelved, some of the Colonel's friends instituted a wager suit, and

secured the testimony of Congressman Bayard of Delaware and of General Samuel Smith of Maryland regarding the presidential session. It was not until 1830, however, that the depositions were made public—at the instigation of the then deceased Congressman Bayard's sons—as the result of the publication of Mr. Jefferson's diary.

For in the precious *Anas* Mr. Jefferson had noted, on February 12, 1801, a report to him by Edward Livingston that Mr. Bayard had offered General Smith the Secretaryship of the Navy if he would vote for Colonel Burr; and again, on April 15, 1806, that "Bayard pretends to have addressed to me, during the pending of the Presidential Election . . . through General Samuel Smith, certain conditions on which my election might be obtained, and that General Smith after conversing with me gave answers from me. This is absolutely false. . . . I do not recollect that I ever had any particular conversation with General Samuel Smith on this subject. Very possibly I had . . . but certain I am that neither he nor any other Republican ever uttered the most distant hint to me about submitting to any conditions or giving any assurances to anybody."

Which would seem to place the giving by Mr. Jefferson, in 1801, of the Secretaryship of the Navy—declined by Robert Livingston—to Robert Smith, the brother of General Samuel Smith, in the realm of unfortunate coincidences.

And the Bayard and Smith statements, revealed in 1830, were somewhat incompatible with Mr. Jefferson's recollections. Mr. Bayard testified that "Mr. Burr, or any person on his behalf, never did



AARON BURR

From an engraving of the pantograph drawing by St. Memin in the possession of the Smithsonian Institution.

communicate to me in writing or otherwise, or to any other persons of which I have any knowledge, that any measures had been suggested or would be pursued to secure his election." Mr. Burr had not even been consulted concerning "the experiment whether he could be elected . . . I never had any communication, directly or indirectly, with Mr. Burr in relation to his election to the Presidency. . . . I repeatedly stated . . . that it was a vain thing to protract the election as it had been manifest that Mr. Burr would not assist us, and as we could do nothing without his aid. . . . I never did discover that Mr. Burr used the least influence to promote the object we had in view. . . . I have no reason to believe, and never did think, that he interfered, even to the point of personal influence, to obstruct the election of Mr. Jefferson or to promote his own. . . . I do not now, nor did I ever believe, from any information I received, that Mr. Burr entered into any negotiation or agreement with any member of either party. . . ." General Smith also deposed to the same effect. He had never known of any bargain made with anyone on behalf of Colonel Burr.

And as for Mr. Jefferson—Mr. Bayard had already declared in 1806, during the wager suit, that an arrangement had been entered into with Mr. Jefferson through Congressman Nicholas to give him the election if he would promise to retain, among others, George Latimer as Collector of the Port of Philadelphia; and that, moreover, General Smith had agreed to see Mr. Jefferson in person on this matter, that he had done so, and that Mr. Jeffer-

son had authorized him to confirm the proposed appointments.

Mr. Jefferson had denied this, but he had never explained why Mr. Latimer retained his post, in the face of the *Aurora's* scandalized "In the name of God, what have we Republicans been contending for, if Federalists are to hold the offices?"

6

But in 1801, and all during those years—and posterity has been inclined to accept their verdict—Colonel Burr was a scoundrel and a wretch who had connived with the Federalists to bring about his own elevation to the presidency. Messrs. Cheetham and Duane had said so. Mr. Jefferson had not denied it; although as late as January, 1801, he had written to his daughter that "the Federalists were confident at first they could debauch Col. B. . . . His conduct has been honorable and decisive, and greatly embarrasses them."

His real crime, of course, in Republican eyes—and he was soon to suffer for it—was not so much that he had supposedly intrigued for himself, but that he had not pronounced himself for Mr. Jefferson, the popular American choice, and made known his refusal of any election in advance, thereby cutting short the Washington imbroglio. If Colonel Burr did nothing to advance himself, he also did nothing to assist Mr. Jefferson.

Well—the House was assembled under the Constitution to make a President; Colonel Burr had received a great many Republican votes and was the decided favorite of the Federalists; he was not

beholden for anything to Mr. Jefferson, who, on the contrary, owed his opportunity to Colonel Burr's success in New York; one hesitates, somehow, to criticize a man for having followed his star. . . .

PART V

The Vice President

1801–1805

"Burr is one of the best presiding officers that ever presided over a deliberative assembly."

SENATOR MITCHILL, OF NEW YORK.

CHAPTER I

THE LITTLE GAMP

I

It was his duties in the Assembly which had kept Colonel Burr at Albany during the period preceding the election in the House; but there was also another matter which concerned him more nearly.

Theodosia had not been well the year before; she had hurt her ankle—"I enclose you a Draught for two hundred and fifty dollars, and a letter for Wilkinson," the Colonel had written Charles Biddle. "Theodosia has suddenly properly recovered the use of her foot and ankle, and after she had abandoned all medical aid and the use of all kinds of cures." And she had been ill—"my daughter," Colonel Burr wrote again, in December, to Mr. Biddle, "is so far recovered that I can dispense with the services of Mr. Napier . . . perhaps however, I am in his debt for the delay of his journey to Baltimore, if so pray do what he may deem proper, for me."

But a few weeks later, in January, 1801, Theodosia herself was writing to a certain young gentleman in Charleston, South Carolina, that "I shall be happy to see you whenever you choose; that, I suppose, is

equivalent to very soon. . . . My father laughs at my impatience to hear from you, and says I am in love . . . I had not intended to marry this twelvemonth . . . but to your solicitations I yield my judgment." Theo was seventeen, and there had been many suitors, although posterity has added to their number; ascribing to her the attentions of Washington Irving who does not seem ever to have known her, and of John Vanderlyn—the painter whom the Colonel befriended and sent to Paris to become one of the foremost artists of his day—who was absent from America from the time Theo was thirteen until after her marriage. But there was to be one suitor more fortunate than his rivals; young Mr. Joseph Alston of Charleston, the son of Colonel William Alston, one of the foremost planters and slave owners in his State. The young man was twenty-two years old, a talented member of the bar, prepossessing and wealthy; the owner of two large estates—Hagley and The Oaks, on the Waccamaw River in All Saints' Parish, Georgetown County—of a summer home on Debordieu Island, and, for a time, of the mansion of Cleremont on the heights overlooking the Hudson, in the outskirts of New York.

They were married at Albany, on February 2, 1801, after a brief courtship during which Mr. Alston overcame Theo's pretended objections with voluminous briefs filled with philosophical allusions and the ingenious arguments of an eager logic. They were very much in love with each other, and "where you are," Theo told him, "there is my country, and in you are centered all my wishes." They went to Richmond Hill for their honeymoon, and then joined

the Vice President elect at Baltimore, in time to accompany him to the capital for his inauguration on March 4—for in Theo's estimation, the significance of that ceremony is certain to have been derived from her beloved father, rather than from the Mammoth whom he escorted to the presidential seat in the Senate chamber, in the prophetic presence of John Marshall, Chief Justice of the United States.

2

The Alstons went south, to stately, garden scented Charleston, to the family mansion on King Street, where Mrs. Alston was received with every courtesy; Colonel Burr sent her nuts, and apples, and a chambermaid, "a good, steady looking animal aged twenty-three"; out at Richmond Hill it was "dreary, solitary, comfortless," and "no longer home" without her. Theo's French companion, Natalie, stayed on there with Madame de Senet for a while, but in September she returned to France, and a year or so later the Colonel was thinking of selling the estate. "Roger Morris's place," he wrote Theo, "is for sale. I can get it for Richmond Hill with four acres. Shall I exchange?" But Theo replied that "Richmond Hill will, for a few years to come, be more valuable than Morris's; and to you, who are so fond of town, a place so far from it would be useless." On the other hand, Morris's was "reputed to be indescribably beautiful . . . and there is to me something stylish, elegant, respectable and suitable to you in having a handsome country seat. So that, upon the whole, I vote for Morris's." But other matters intervened; Colonel Burr was soon to leave New York for

many years; and it was Stephen Jumel who finally purchased the Morris place, as a present to his wife. . . .

But if Theo was away now, and a married lady, the Colonel never relaxed his intimate supervision of her affairs, his sharp criticism of her habits and correspondence. She must not suffer any operation to be performed upon her teeth; she must walk a great deal, with "ten negroes at your heels" if necessary, and for this purpose she must procure "a stout pair of overshoes, or short boots, to draw on over your shoes. But shoes to come up to the ankle bone, with one button to keep them on, will be best. . . . I pray you to write me that you are so provided." She must "always enclose your letter in a blank sheet, on which is to be the seal and the superscription"; and if her husband "denies you a sheet of paper to enclose a letter, pray let out one of your four hundred dollars for this purpose"; as for her last letter, it was "pleasant and cheerful—careless, incorrect, slovenly, illegible. I dare not show a sentence of it even to Eustis"—he was still exhibiting her—"God mend you."

And that was not all. In December, 1801, the Colonel was writing the Alstons that Mr. Jefferson had sent a message to Congress about the census, and that "one idea contained in the message is much applauded by our ladies. They unite in the opinion that the 'energies of the men ought to be principally employed in the multiplication of the human race,' and in this duty they promise an ardent and active cooperation. . . . I hope the fair of your State will equally testify their applause of this sentiment,

THEODOSIA BURR ALSTON

Now reproduced for the first time from the miniature by Vanderlyn in the possession of Mrs. H. R. Watkins. This is one of two copies executed by Vanderlyn of the portrait of Theodosia Burr Alston painted by him in 1801.

and I enjoin it on you to manifest your patriotism . . . in the manner indicated."

In fact, young Mr. Alston had occasion to resent some of his father-in-law's intrusions—the Colonel borrowed money from him too—perhaps quite as much as Theo disliked the society of her own adopted family, concerning whom she once exclaimed that "We travel in company with the two Alstons. Pray teach me how to write two A's without producing something like an Ass."

3

But in February, 1802, the Vice President was preparing to visit his daughter; in March, he was urging the husband to take her to the mountains, because "the situation of Theodosia . . . ought . . . to be an additional and strong motive. With her Northern constitution she will bring you some puny brat that will never last the summer out; but in your mountains one might expect to see it climb a precipice at three weeks old"; on April 30, the prospective grandfather was delayed at Clifton, on his way to Charleston; and, as far as can be ascertained, on May 29 a son, Aaron Burr Alston, was born to Theo; a "sweet little rascal" whom they took to calling "mammy's treasure," the "heir apparent" and "the Vice President."

The Colonel had him north as soon as possible, for a long stay. Theo was not at all well; the birth of the child had left her very weak—"if Heaven grant him but to live, I shall never repent what he has cost me"—and the illness which was to make of her a nervous invalid all the remainder of her days was

already manifesting itself, in spite of repeated sojourns at the spas, at Ballston and at Saratoga. "I have now abandoned all hope of recovery," she warned her husband in 1802. "You . . . must summon up your fortitude to bear with a sick wife the rest of her life." But there were times when she recovered from the apathy which kept her so listless and depressed; in Washington she visited Mrs. Madison, who was "still pretty, but oh, that unfortunate propensity to snuff taking"; she drank tea with the Gallatins, although "nobody asked us to eat"; at Ballston, once, she attended a party, and the Colonel wrote "Lord, how I should have liked to see you dance. It is so long; how long is it? It is certain that you danced better than anybody and looked better."

And the boy was splendid; he grew "charmingly" and was much admired; he adored his grandfather Burr, and called him "Gampy;" and the Colonel was devoted to "the little Gamp." And if the child was not climbing precipices at three weeks old, still, the Colonel must have him scaling intellectual heights at nineteen months. His educational mania had, if anything, increased, and in January, 1804, he was complaining to the mother that "of the boy you never say enough. Nothing about his French . . . You do not say whether the boy knows his letters. I am sure he may now be taught them, and then put a pen into his hand and set him to imitate them. He may read and write before he is three years old. This, with speaking French, would make him a tolerably accomplished lad of that age, and worthy of his blood."

And in June, 1804, when the boy was barely two years old, "if you were quite mistress of natural philosophy he would now be acquiring a knowledge of various branches, particularly natural history, botany and chymistry. . . . Pray take in hand some book which requires attention and study. You will, I fear, lose the habit of study which would be a greater misfortune than to lose your head." It was only recently, too, that the Colonel had blandly instructed the delicate Theo to translate the Constitution into French for him. However, her letters now pleased him "prodigiously," and she improved "greatly in your style and manner of writing. A little more reading and you will excel Lady Mary W. Montague." And an early scrawl from the grandson was shown around Washington as "a production of genius."

It was perhaps no wonder that some persons seriously considered the Colonel to be slightly "deranged. . . ."

CHAPTER II

PAMPHLETS

I

THE Vice President was late in entering upon his duties at Washington, owing to the fact that he was called upon, in the capacity of a delegate from Orange County, to preside over the convention at Albany, in October, 1801, charged with the revision of the New York State Constitution; after which it took him some time to put his personal affairs in order before proceeding, in his own carriage, to Washington where he arrived, after sundry vicissitudes of the wintry road, on January 12, 1802. The Senate had been sitting since December 7 under a temporary president, and it was not until January 15 that Colonel Burr assumed his gavel, in the north wing of the Capitol which arose solitary and conspicuous, "in dismal contrast" with its surroundings.

The Federal City, as they were so fond of calling it, was not an attractive place, nor yet a healthy one with its malarial marshes. In fact, it could scarcely be called a place at all. Nothing was ready; the Capitol was not completed; the House was meeting in a temporary brick building called the "Oven"; the

President's House was not finished—the winter before, Mrs. John Adams had been drying laundry in the audience room; there was hardly a street to be seen, except the New Jersey Avenue, and the Pennsylvania, long stretches of which ran through a morass covered with alder bushes; there were not enough houses in proper condition to accommodate Congress and "as they are," Mrs. Adams had found, "and scattered as they are, I see no great comfort for them." As for Georgetown, "I have been to Georgetown," that good lady recorded. "It is the very dirtiest hole I ever saw for a place of any trade, or respectability of inhabitants. It is only one mile from me, but a quagmire after every rain." In fact, according to Gouverneur Morris, "we need only here houses, cellars, kitchens, scholarly men, amiable women, and a few other such trifles, to possess a perfect city."

In other respects, it was a romantic spot. The sides of Capitol Hill were "covered with grass, shrubs and trees in their wild uncultivated state. Between the foot of the hill and the broad Potomac extended a wide plain, through which the Tiber wound its way. . . . Its banks were shaded with tall and umbrageous forest trees . . . the magnolia, the azalia, the hawthorn, the wild rose and many other indigenous shrubs grew beneath their shade, while violets, anemonies and a thousand other sweet wood flowers found shelter among their roots." Here, "in the language of Geographers" paraphrased by Mr. Thomas Adams, was "a fine champaign country, well stored with wood, abounding in various sorts of game, a majestic river navigable, full of fish and wild

fowl, and other natural advantages too numerous to mention."

If only there had been a few more artificial conveniences, a few more physical comforts. So it seemed to the officials of Government forced to reside in this primitive wilderness; to the Ministers of foreign countries unaccustomed to such pioneering—Don Carlos de Yrujo, indeed, stayed at Philadelphia as much as possible, and only came trundling down in his coach when it was necessary to pester little Mr. Madison at the State Department; to the Congressmen and Senators who must ride every day in the old Royal George from the Union Tavern in Georgetown, or find rooms at fifteen dollars a week, "including wood, candles and liquors," at Mr. Peacock's on the Jersey Avenue, or at Tunnecliffe's, or at Blodget's Great Hotel which was perhaps not as great as it sounded. Colonel Burr himself lived "at Mr. Law's, not nominally but in fact"—which probably means that he boarded at Conrad's, in the fine house on Capitol Hill placed by Mr. Thomas Law at the disposal of these homeless transients.

2

"We make a pleasant society here, so that we may get through the winter without ennui," the Colonel wrote Theo in February. With Mr. Jefferson's democratic simplicity, and his system of "equality or *pele mele*" in vogue at the Great House, official social intercourse could not be said to be brilliant—some of the diplomats, English Mr. Merry, for instance, found it decidedly offensive, and the President's

manners outrageous—although Mr. Jefferson gave excellent banquets, well furnished with dishes and wines, "the best I ever drank," Senator Plumer of New Hampshire thought, "particularly the champagne, which was indeed delicious. I wish his French politics were as good as his French wines." Aside from that, the Senator had mistaken him for a servant upon the occasion of his presentation to the First Gentleman who "was dressed, or rather undressed, in an old brown coat, red waistcoat, old corduroy small clothes much soiled, woollen hose and slippers without heels"—the same costume in which he had seen fit to receive the British Minister in official audience.

But outside, in the town—what there was of it—they managed to amuse themselves. Mrs. Madison's home was the center of Washington life, the resort of every personage of distinction and note, irrespective of partisan affiliation; the President's lovely daughters, Martha Randolph and "Polly" Eppes, were always to be seen with Dolly when they came on visits to their father, and her own sister, Anna Payne —Mrs. Richard Cutts to be—whom Colonel Burr considered "a great belle"; Miss Maria Martin, the daughter of Luther Martin, Miss Stoddert, Miss Nicholson, the niece of Mrs. Gallatin, and Miss Susan Smith, the daughter of General Samuel Smith —to say nothing of the beautiful ladies of Georgetown—were celebrated ornaments of that society; the Biddles, and the Tayloes, and the Laws, and the Van Nesses gave parties and dinners; the North American Land Company did a lively business in "Washington Lotts;" one danced and sang sentimental songs, one

lost a great deal of money at brag and loo, one went to the races.

And for something to talk about, there was General Turreau, the French Minister, who wore diamonds, and beat his wife while his aide played the flute to drown out the lady's outcries. And there was "the Greatest Cheese in America for the greatest man in America," brought to Mr. Jefferson on a wagon drawn by six horses by a deputation from Cheshire, Massachusetts. And, a little later, there was the visit of Mrs. Jerome Bonaparte—who had been Miss Elizabeth Patterson, and who was not long to remain Mrs. Bonaparte except in name—concerning whom Colonel Burr advised Theo that she had "sense, and spirit, and sprightliness," and that "there are various opinions about the expediency, policy, decency, propriety and future prospects of this match." But she was "a charming little woman; just the size and nearly the figure of Theodosia Burr Alston. . . . Dresses with taste and simplicity, by some thought too free."

Much too free, according to Mrs. Samuel Smith, who recorded that "she has made a great noise here and mobs of boys have crowded round her splendid equipage to see what I hope will not often be seen in this country, an almost naked woman. An elegant and select party was given to her by Mrs. Robert Smith; her appearance was such that it threw all the company into confusion, and no one dared to look at her but by stealth; the window shutters being left open, a crowd assembled round the windows to get a look at this beautiful little creature, for everyone allows she is extremely beautiful. Her dress was

the thinnest sarcenet . . . there was scarcely any waist to it and no sleeves; her back, her bosom, part of her waist and her arms were uncovered and the rest of her form visible."

But the Colonel made no objections to that, and Mrs. Caton approved of the match, "and therefore A. B. does, for he respects greatly the opinions of Mrs. Caton"—who was the daughter of Charles Carroll of Carrollton, and the mother of four famous beauties known subsequently, in England, as the American Graces.

3

In the Senate, Colonel Burr made a striking impression. "Burr presides . . . with great ease and dignity," Senator Plumer found. "He always understands the subject before the Senate, states the question clearly, and confines the speakers to the point." Senator Mitchill of New York declared him to be "one of the best presiding officers that ever presided over a deliberative assembly." He was now enjoying the ephemeral rewards of his great political victory, the temporary popularity derived from the Republican triumph which he had, almost single-handed, contrived. He was courted, fêted, toasted. He was spoken of for further honors.

"My dear Sir," Commodore Truxtun told him in February, 1802, "I . . . have seen many, very many of your friends indeed, and you are toasted daily which gives me much pleasure. . . . I had no idea changes could have become so great as I find them in half a year. . . . I most sincerely anticipate the pleasure of seeing you in the possession of the

first office under our blessed Constitution after the 3d of March, 1805, and I pray that events may turn up to put you there before. I cannot be a hypocrite to effect even the esteem of a man or of men who I don't believe has at heart those principles which are necessary to give character and consequence to our beloved country. . . . I am not afraid to think and to speak whenever I deem it necessary or usefull, and if I was mean enough to be actuated by a fear of losing an appointment I hold none that can check me. My friends in politiks are aware of your situation and how cautious you ought to be just now. And there are those here who you don't know—that have lately been at Washington and have heard enough drop from certain characters to convince them . . . that you are not in the confidence of ———." And who could ——— have been? "You must take care of Alexander Hamilton, King, Pinckney and Patterson, besides all those at the head of Departments, at least one of those nearest to ———. . . . I am this moment called to sup with the amiable and the fair and we shall talk of you as usual before we rise."

And Princeton remembered him with a pride and affection suddenly blossomed forth within the precincts of its Treasury, and informed him that "the edifice of the college . . . together with three libraries . . . was, a few days ago, entirely consumed by fire. . . . It is become necessary to apply to the benevolence of the public; and in order to do this with success, to solicit the influence and aid of those of its sons who are most distinguished for their talents, and the high reputation of their names. But, besides these advantages which point you out to the

trustees among the first, the college holds, perhaps, a peculiar relation to you, owing its existence, as it does, principally to the extraordinary merits and exertions of a father so greatly and justly respected." And in 1803 the Trustees conferred upon him the degree of Doctor of Laws.

Yes, indeed . . .

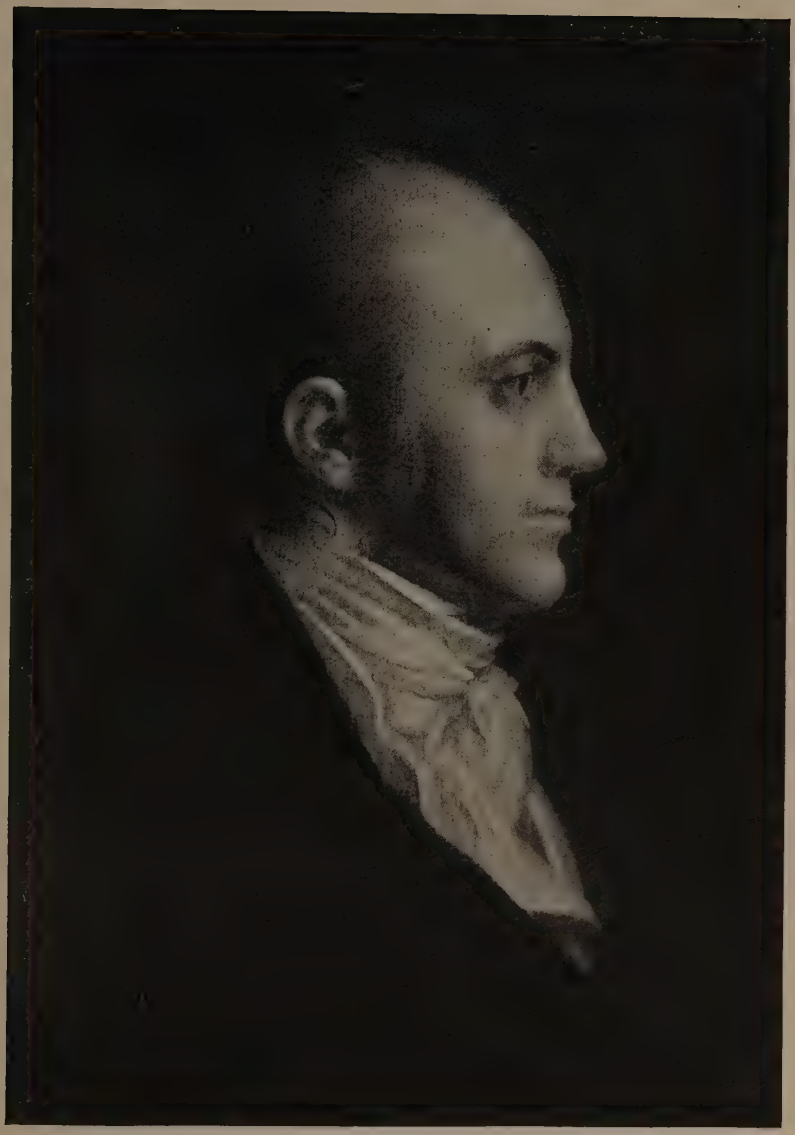
4

But it was not long before the mists of jealousy and partisan intrigue arose to overwhelm this too brilliant Republican personage. Mr. Hamilton, on the Federalist side, had not changed his opinion of him; in Republican circles, there were Mr. Jefferson and the Virginia faction—one does not hesitate to identify Commodore Truxtun's "———"; and there were the Clintons and the Livingstons, those stormy petrels of New York politics, who had seized upon the patronage of the city and State and assigned to themselves —to the almost complete exclusion of the Burrites— the spoils of the recent Republican victory.

The Chancellor had been sent to France; Edward Livingston was first District Attorney then Mayor of New York; a Livingston brother-in-law was Secretary of State; another Livingston clansman by marriage, Morgan Lewis, was Chief Justice; still another was United States Senator; a fourth was judge of the Supreme Court, in company with Brockholst Livingston. In the city, by the year 1803, all the offices had been filled by the nephew of George Clinton— himself restored to the Governorship—De Witt Clinton, who was a member of the Council of Appointment which controlled the selection of State officials,

and who, after a brief term in the United States Senate, had succeeded Edward Livingston as Mayor —upon the latter's sudden departure to New Orleans, as the result of a municipal scandal for which he had very courageously taken the official blame. Alone among the prominent Burrites, John Swartwout had been made United States Marshal, and John Prevost Recorder.

Colonel Burr was isolated in his own constituency —except for the faithful Martlings—and the attacks began at once, expressed in the fanatical phraseology of James Cheetham's *American Citizen*. The whole question of Colonel Burr's behavior at the time of the presidential election; and other matters—every gesture that he made, every word that he uttered, every act that he performed. The Baltimore affair, for instance. Just before the inauguration the citizens of Baltimore had presented to him a congratulatory address—the sort of address which the Republicans had always condemned in the case of Federalist recipients—commending "the patriotism which disdained competition for the Presidential chair with that other eminent character who has finally been called to it—as setting a just value upon the will of the people." But the Colonel had expressed his disapprobation of such public flatteries, and Mr. Cheetham was in a fury. "It was not to be expected," he wrote, "that Mr. Jefferson . . . would be guilty of so palpable a violation of the laws of decorum. . . . Mr. Burr, however, was pleased to take another course. He would not be so unlike a Republican as to answer addresses. There was some art in this; it might catch a few easy gulls . . . at



AARON BURR

From the original portrait by Vanderlyn in the possession of Dr. J. E. Stillwell.

any rate he was pursuing a policy at variance with Mr. Jefferson."

The dreadful business of the Federalist Washington's Birthday banquet at Stell's Hotel, presided over by Gouverneur Morris and Congressman Bayard, at which the Vice President was not only present by special invitation, but proposed a toast to "The Union of All Honest Men." This was terrible. It was an insult to the Jeffersonians and Clintonians; it was, according to Mr. Cheetham, "the consummation of the alliance" between Colonel Burr and the Federalists; considered abstractly, the sentiment was excellent, but "associated with his general and recent conduct it could not but be viewed by the Federalists as a modest overture to form a union with them, and it is most probable that Mr. Burr designed the sentiment to be thus accepted." As for Mr. Hamilton, he was desperately alarmed at the "apparition" of Colonel Burr at the Federalist dinner, although Mr. Morris assured him that "our calculation was that he had less chance of gaining than losing by accepting the invitation. We knew the impression which the coincidence of circumstances would make upon a certain great personage"—they were always so careful not to mention Mr. Jefferson by name—"how readily that impression would be communicated to the proud and aspiring lords of the ancient dominion, and we have not been mistaken as to the jealousy we expected it would excite throughout the party."

It was a cheap trick, in all conscience; nor does Colonel Burr's acceptance of this two-faced courtesy speak with any conviction for the celebrated guile of his conspiring nature. . . .

And then there was the repeal of the Judiciary Act. Faced with a Federalist defeat, the outgoing administration had, on February 13, 1801, reduced the associate supreme justiceships to four, increased by five the number of district judgeships and provided new circuit courts calling for sixteen additional judges. John Marshall had been appointed Chief Justice, and in the closing hours of the Senate's session, Federalist incumbents—scornfully referred to by the Republicans as "midnight judges"—had been chosen to fill the recently created vacancies. Of all the Federalist party's inventions, Mr. Jefferson was most suspicious, perhaps, of its judiciary contrivances—judges in general, and Federalist Federal judges in particular, were an offence and a tyranny in his eyes—and he determined upon a repeal of the Act. He could not dismiss the judges but he could abolish the offices. The bill to repeal was acrimoniously debated; in the Senate, on the second reading, a motion to refer to a committee was lost, sixteen to fourteen; a motion to pass to a third reading was tied, fifteen to fifteen. It was the Vice President's duty to cast the deciding vote which he did in favor of the motion.

Two Republican Senators were absent at the time; the Federalists moved for a reference to a select committee, the vote was tied and the Vice President again decided in the affirmative, because, as he explained it, "I can never resist the reference of a measure where the Senate is so nicely balanced and where the object is to effect amendment that may accommodate it to the opinions of a large majority, and particularly when I can believe that Gentlemen are sincere in insisting on a reference for this purpose.

Should it, however, at any time appear that delay only is intended, my conduct will be different." Eventually, one of the Republican absentees returned, the bill was taken out of committee and finally passed, sixteen to fifteen.

But the Vice President caught it from both sides. The Federalists were furious because he had not killed the measure—"there was a moment," Gouverneur Morris wrote Chancellor Livingston, "when the Vice President might have arrested the measure by his vote, and that vote would, I believe, have made him President at the next election." And the Republicans could see nothing but double-dealing in his "undignified and trimming vote." It had been received, Mr. Cheetham announced, by the Federalists "as an open earnest of cordial attachment to their cause; as a signal to embrace them."

5

In New York, an editorial battle, a conflict of irresponsible charges and insinuations was gathering headway, in preparation for one of the most scurrilous outpourings of polemic literature ever witnessed in the city.

Under the protection of De Witt Clinton—a young man of extraordinary political talents with whom Colonel Burr and his Martlings were soon to come to grips—James Cheetham's *American Citizen* made itself the mouthpiece of attack upon the Burrites and upon their chief—at whose hands the unlovely Cheetham, an Englishman of obscure virtue, had originally received his editorship. "To what party is Mr. Burr

now attached?" the *American Citizen* kept inquiring. "Is he to be considered a Republican since the famous toast of 1801. . . . Again, since the memorable vote by the Vice President on the repeal of the Judiciary Act in 1802, is he not fairly to be ranked with the Federalists?"

The *Morning Chronicle*, established by the Burrites, in October, 1802, for the purpose of defending the Vice President against the Clintonian assaults, was edited by Doctor Peter Irving, a brother of Washington Irving—whom Mr. Cheetham had promptly dubbed "Doctor Squintum" and "Citizen Pestle and Mortar," while his journal was a "lamentable instance of the production of an intellect enfeebled by reading novels." And Mr. Hamilton, somewhat lonely in his Federalist disrepute, had already founded, in November, 1801, the *Evening Post;* something more than a passing journalistic adventure, an important publication placed in the able hands of William Coleman, an editor of experience in Massachusetts, and at one time a law partner of Colonel Burr's.

And while it was good sport to heckle Doctor Squintum, it was between "the Clintonian Bloodhound" Cheetham and "the New England Wolf" Coleman that the most fulminating passages of personal invective were exchanged. "Mr. Coleman increases in waspish malignity with the increase of his editorial days," Mr. Cheetham proclaimed. "There is no limit to his atrocious remarks. He promulgates slander with the levity of the wind and the venom of a serpent. He is regardless of truth, manliness and decorum." And the Wolf replied to the Bloodhound

WILLIAM COLEMAN

—and to his fellow jackal Duane, of the *Aurora*—in verse both light and venomous—

> "Lie on Duane, lie on for pay,
> And Cheetham, lie thou too;
> More against truth you cannot say,
> Than truth can say 'gainst you!"

They quarreled in good earnest, finally, but the duel arranged between them was prevented by the action of Judge Brockholst Livingston who had them both in court and bound over to keep the peace. Whereupon a certain Republican Captain Thompson, brother of the Collector of the Port, accused Mr. Coleman of cowardice; they met in Love Lane, the present Twenty-third Street, and Captain Thompson remained there to breathe his last, without, however, divulging the name of his adversary who returned quietly to Pine Street and resumed his editorial pen. And in the midst of these editorials and duels, it was noteworthy that the *Post* combated the wholesale Clintonian accusations against the Vice President, that it treated him with courtesy and justice, and that it denied the *Citizen's* statement that Mr. Hamilton was prepared to prove Colonel Burr's presidential intrigues in court—so much so that Mr. Cheetham, who had no conception of courtesy and justice, was forced to the conclusion that "the Federal papers are principally engrossed in abortive attempts to defend Mr. Burr," and that the *Post* was ready on all occasions "to aid and abet the intriguer and his hirelings." And what could this possibly signify, except an understanding between the Vice President and the Federalists?

6

But the war was not all in the editorial columns. There were the pamphlets—the little paper bound bundles of poisonous falsehoods which slipped so easily into the pockets, and into the receptive minds of ignorant and prejudiced men, and which crowded the bookstalls at thirty-seven and a half and fifty-six cents.

And first, Mr. Cheetham's "Narrative" of the suppression, in 1801, by the Vice President, of John Wood's *History of the Administration of John Adams, Late President of the United States.* Mr. Wood, armed with a pair of shears and the untrammeled imagination of a seasoned hack—to say nothing of the libelous publications of that *protégé* of Mr. Jefferson's, James Callender—had produced a defamatory document against the Federalists, a perusal of which had convinced Colonel Burr that it would be of more harm than profit to its Republican patrons. There were in it, he advised Theo, "five hundred pages, principally low scurrility and illy-told private anecdotes, with about thirty pages of high eulogium on A. B." He had consequently arranged to buy up the edition, but some copies leaked out, and the fat was in Mr. Cheetham's fire.

"Let me ask why the history was suppressed?" he roared. "Was it to shelter Mr. Wood from the penalties of the law that this patron of literature and the fine arts suppressed the edition? Was it because the history abounded with libels on federal characters and his consequent fear of Mr. Wood's being seized by the talons of the law. . . . It is by ascertaining

what could not have been Mr. Burr's reason . . . that we shall arrive at the true and satisfactory one. . . . To prepare the way for that union with the federalists . . . to sully and tarnish the reputation of the executive." Aside from that, Colonel Burr had furnished the material for his own biography, and the whole affair was a monumental example of the vice presidential duplicity.

The Clintons thought all this was quite splendid—although the Colonel assured Joseph Alston that "these things will do no harm to me personally"—until John Wood produced a pamphlet of his own, denying Mr. Cheetham's allegations and proving the Republican sincerity of Colonel Burr's motives. Everyone was astonished, the Burrites no less than the Clintonians, and the Colonel told Mr. Alston this time that "Wood's book has surprised us. We all expected a new series of abuses against A. B." As for Mr. Cheetham, he relieved his feelings in a pamphlet called *An Antidote to John Wood's Poison*, and in a series of *Nine Letters on the Subject of Aaron Burr's Political Defection.*

These were to make interesting collateral reading in connection with Mr. Cheetham's recently published *View of the Political Conduct of Aaron Burr*, in which all of the Colonel's political iniquities were elaborately and whimsically reviewed. In fact, in his long public career, he had never performed a single act worthy of Republican approval with the exception of his stand against the Jay treaty. "In retracing his steps, we see nothing to applaud, and less to admire. . . . Throughout there appears a winding, a convenient versatility, a species of refined

cunning." He moved like a serpent, and "in his conduct there is nothing amiable, disinterested, magnanimous or patriotic. . . . Selfishness impelled him to action." As for the election of 1801, "he had fixed his basilisk eyes on the Presidency; and in the fulness of his sanguine disposition he entertained a hope that, by able management, he might fill that office before Mr. Jefferson, to whom it was exclusively alloted by the people. . . . Mr. Burr seems to have carried on a secret correspondence with the federalists from the period of his nomination. . . . Fortune had been so kind to Mr. Burr that he was lavish of her favours and sported with her bounties."

It was a very long indictment, and "the malice and the motives are in this so obvious," the Colonel wrote to his son-in-law, "that it will tend to discredit the whole. The charges which are of any moment will be shown to be mere fabrications. But there seems at present to be no medium of communication. The printers called republicans in this city (Denniston and Cheetham) are devoted to the Clintons, one of them (Denniston) being nephew of the governor, and, of course, cousin to De Witt." And so, in his own city, the Vice President could find no printer, apparently, to take favorable copy.

7

But a champion was at work, and a printer was discovered, for in December, 1803, the Clintons and the Livingstons, and all their hirelings, awoke one morning to see themselves hung, drawn and quartered in an amazing publication—amazing for its literary quality as well as its intimate knowledge of political

backwaters—entitled *An Examination of the Various Charges exhibited against Aaron Burr . . . and a Development of the Characters and Views of his Political Opponents. By Aristides.*

And who Aristides might be, no one had the slightest notion—it was not until a year or so later that he was found to be Colonel Burr's friend, William Van Ness—but his pamphlet was tremendous. They were all in it, the Clinton Governor, the precious De Witt and his henchmen, Cheetham, all the Livingston crew. Cheetham was "an open blasphemer of his God, a reviler of his Saviour and a conspirator against the religious establishments of his country." De Witt Clinton had "called on every litigious scoundrel in the country to blow the horn of civil discord. . . . Forgetting all duties to the laws and responsibility to the people, Mr. Clinton, in a course of the most abandoned profligacy that ever disgraced a man in the service of his country, proceeded to prostitute the honor of the government, polluting, without fear, the purity of justice, and subverting with unhallowed hands the fair fabric which patriots had erected."

Tunis Wortman, clerk to the Mayor's court, was described as a member of "the lowest class of creatures recognised as rational, if not the very link that joins the animal to the human race." Tillotson, "the worthy relative of the Livingstons," Secretary of State, "had travelled the country round, like an hungry spaniel, begging an office as he went." He was a "contemptible, shuffling apothecary, who, without talents to profit by the pursuit of an honest profession . . . has assumed every character desig-

nated by human actions." The District Attorney, Richard Riker, was "a vain and contemptible little pest"; Ambrose Spencer, De Witt's brother-in-law, "an inflexible professor of virtuous cowardice . . . pointed at wherever he goes by the finger of scorn, tortured by the recollection of his crimes and sinking under the detestation of all who knew him." There was also a piece about Mr. Jefferson, who was represented as a weak and fickle visionary.

The thing made a sensation, and an attempted "answer" by Mr. Cheetham, in which he attributed the pamphlet to the Colonel's brother-in-law, Doctor "Steambath" Brown, brought forth a second edition. "No regard is shown to the delicacy or sensibility of those who are noticed," Senator Mitchill wrote his wife. "They are flagellated without mercy, and scourged with a whip of scorpions. The person who wrote it certainly carries a better pen than commonly falls to the lot of pamphleteers." De Witt Clinton did his best to discover the author, and wrote a threatening letter to the printers, Ward and Gould, in which he told them that "you have it in your power to protect yourselves from the consequences of a private prosecution by giving up in writing the name of the author and making satisfactory apology for your very improper conduct in permitting yourselves to be the instruments of the most virulent and execrable attacks upon private characters ever known in this country." The publishers did not reply, and actions for libel were brought against them and damages, in some cases, recovered.

And John Swartwout was eventually removed from his marshalcy, partly because of his enthusiastic

distribution and corroboration of the document. "Certainly," Mr. Jefferson himself advised De Witt Clinton, "the distribution of so atrocious a libel . . . and still more the affirming its contents to be true as holy writ presents a shade in the morality of Mr. Swartwout of which his character had not before been understood to be susceptible. Such a rejection of all regard for truth would have been sufficient cause against receiving him into the corps of executive officers at first, but whether it is expedient after a person is appointed to be so nice on question of removal requires great consideration. I proposed soon after coming into office to enjoin the executive officers from intermeddling with elections . . . it was laid over for consideration, but late occurrences prove the propriety of it and it is now under consideration."

And yet Mr. Jefferson had remitted the fine of James Callender, convicted of libel against President John Adams. . . .

8

Colonel Burr was not in the habit of replying in person to slanderous attacks made upon him, but he did, in 1802, answer an inquiry from Governor Bloomfield of New Jersey concerning the truth of Mr. Cheetham's allegations, in which he authorized the Governor "to declare from me" to his friends that "all those charges and insinuations . . . all such assertions and intimations are false and groundless." He had not thought that "calumny . . . could so far receive attention from the public as to require an answer, or even a denial. Yet . . . you may

consider this letter as submitted to your discretion to publish if you shall think proper." The letter was duly published, but its effect was negligible.

The uproar continued. Robert Swartwout fought a duel with the District Attorney and wounded him slightly. John Swartwout challenged De Witt Clinton, and was shot in both legs by the Mayor. All during the summer of 1802, already, Republican gatherings were toasting the Vice President in hostile bumpers. "Burr, may he stick to Republicanism!" —"The Vice President, it is not only essential to be virtuous, but to appear so!" In that same year, he was ousted, along with John Swartwout, from the directorate of the Manhattan Bank which passed into the control of the Clintons and Livingstons, while Mr. Cheetham informed his public that by illicit means Colonel Burr had obtained from the bank "one hundred and twelve thousand four hundred and seven dollars and forty-eight cents."

In January, 1804, in spite of Aristides, the Clinton-Livingston victory was almost complete; Mr. Cheetham's calumnies had vitiated all possibility of unprejudiced popular opinion; it was a firmly established actuality in the public mind that the Vice President had intrigued against Mr. Jefferson for the presidency and had subsequently sought to ally himself with the Federalists; Mr. Hamilton, while preserving a faultless external decorum, had never ceased to discredit him in anti-administration circles; on February 25, 1804, a Republican caucus at Washington renominated Mr. Jefferson for President and chose George Clinton for Vice President. The name of Colonel Burr was not mentioned. . . .

NOMINATION.

At a reſpectable Meeting of *REPUBLICAN CITIZENS*, from different Parts of the State of New-York, convened at the Tontine Coffee-Houſe in the City of Albany, on Saturday, the 18th day of February, 1804:

William Tabor, Eſquire,

of the Aſſembly, was choſen Chairman, and *JOSEPH ANNIN*, Eſq. of the Senate, Sec'ry.

Reſolved unanimouſly, that

Aaron Burr,

be and he is hereby nominated a Candidate to be ſupported at the enſuing Election for the office of GOVERNOR of this State.

Reſolved, That the above Nomination be publiſhed in all the Newſpapers printed in this State; and that the Secretary tranſmit a Copy thereof to the Correſponding Committees in the City of New-York and elſewhere.

William Tabor, Chairman.

JOSEPH ANNIN, Secretary.

BURR-LEWIS CAMPAIGN POSTER, 1804

Original in the possession of the New York Public Library.

CHAPTER III

CONFEDERACY

I

COLONEL BURR understood exactly what was happening. Not at first; for a long time he would not admit that journalistic slander, unsupported by any proof, directly opposed to published evidence, could permanently stain a man's character. Whatever the nature of his own vices, calumny and defamation of a rival were so foreign to his habits that he was not able to appreciate their perilous vitality. But the moment came when he could no longer deceive himself concerning his situation. He had perhaps never been more contented than in his vice presidency; in his person the office had assumed a dignity and prominence which were not normally inherent within it; he took pleasure in a meticulous and ceremonious discharge of his honorable functions; he had every reason to anticipate a further and not far distant promotion; he had made possible the Republican administration, he asked nothing better than to be left in peace to enjoy his distinguished duties. But the Clintons and their Bloodhound had ruined

him—and in Washington there was an envious vindictive man who feared him.

Colonel Burr understood that, too. He was repudiated by his party, abandoned by his chief. He determined, therefore—in January, 1804, before the Republican nominating caucus—to retire from the administration, and seek political rehabilitation in New York State; but before doing so, in order to avoid an appearance of surrender under Clintonian fire—or was it filth—he appealed to Mr. Jefferson for some public proof of approbation, some mark of esteem with which to face the world. The incident is among the most pathetic in Colonel Burr's life, and seems to reveal an utterly chagrined and bewildered man, or his pride would never have entreated so humiliating a favor, his discretion would never have risked so considerable a likelihood of rebuff.

The interview took place on January 26, and was recorded with great gusto in Mr. Jefferson's diary. Colonel Burr, the President noted, had reviewed his whole career; he had, he said, accepted the vice presidency "with a view to promote my fame and advancement, and from a desire to be with me, whose company and conversation had always been fascinating to him"—a stupid piece of flattery which did not deceive Mr. Jefferson. Colonel Burr had then assured Mr. Jefferson of his sincere attachment, "but that attachments must be reciprocal or cease to exist, and therefore he asked if any change had taken place in mine toward him. . . . He observed he believed it would be for the interest of the republican cause for him to retire . . . but that were he to retire, it would be said he shrank from the public

sentence, which he would never do; that his enemies were using my name to destroy him, and something was necessary from me to prevent and deprive them of that weapon, some mark of favor from me which would declare to the world that he retired with my confidence."

There was also question of a letter written by Mr. Jefferson to Colonel Burr in December, 1800, in which Mr. Jefferson had stated that, since Colonel Burr was nominated for one of the two executive offices, he felt "most sensibly the loss we sustain of your aid in our new administration. It leaves a chasm in my arrangements which cannot be adequately filled. I had endeavored to compose an administration whose talents, integrity, names and dispositions should at once inspire confidence in the public mind"—another stupid piece of flattery which had not, probably, deceived Colonel Burr. Now, in 1804, Mr. Jefferson explained that his letter had only meant that Colonel Burr's selection for the vice presidency inevitably "lost" him from the list of those whom Mr. Jefferson had purposed to honor. As for the attacks on Colonel Burr, Mr. Jefferson had noticed them "but as the passing wind." And Mr. Jefferson did not record any offer to Colonel Burr of any mark of favor, nor was any ever forthcoming.

Mr. Jefferson did, however, record that Colonel Burr's conduct had "very soon inspired me with distrust;" that he had "habitually cautioned Mr. Madison again trusting him too much;" that there had never been "an intimacy between us, and but little association;" and that "when I destined him for a

high appointment it was out of respect for the favor he had obtained with the republican party, by his extraordinary exertions and successes in the New York election in 1800." Mr. Jefferson did not refer to his voluntary letter of July 17, 1797, to Colonel Burr, in which he told him that the letter would "at any rate . . . give me an opportunity of recalling myself to your memory, and of evidencing my esteem for you;" or to his letter, in February, 1801, in which he denounced as a forgery another containing remarks derogatory to Colonel Burr, and warned him against persons who would "sow tares between us," while advising him that "mutual knowledge of each other furnishes us with the best test of the contrivances which will be practiced by the enemies of us both. Accept assurances of my high regard and esteem;" or to his letter of November 18, 1801, in which he again begged his colleague to "accept assurances of my high esteem and consideration."

Mr. Jefferson always had such a happy knack of facile contradiction. . . .

2

Colonel Burr was discarded, but he was not yet defeated.

On February 18, 1804, he was nominated for the Governorship of New York State by a group of his friends in the Legislature at Albany. Two days later, at New York, the nomination was ratified at a meeting presided over by Marinus Willett, which voted that "Whereas, the military services of Colonel Burr . . . his political talents and Republican

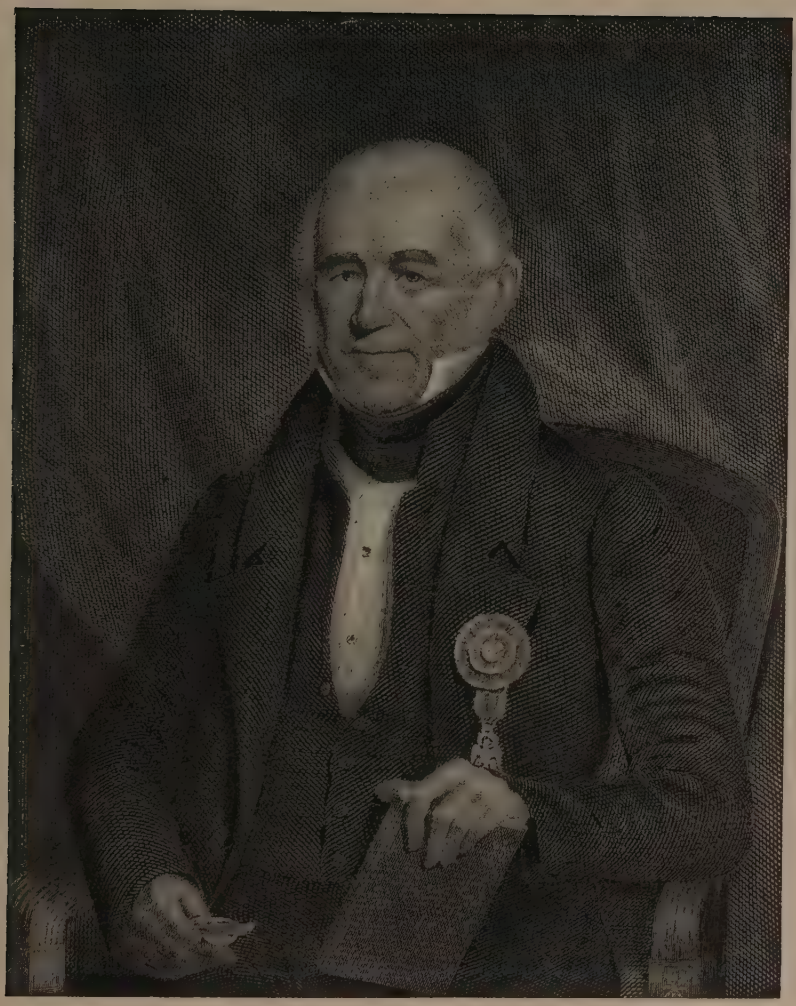
integrity eminently entitle him to the confidence and respect of his fellow citizens, therefore Resolved, that this meeting will support Aaron Burr at the ensuing election, for the office of Governor, with their votes and interest." Soon after, another citizens' meeting at Albany again ratified Colonel Burr's selection, and nominated Oliver Phelps for Lieutenant Governor—that same Mr. Phelps of whom Postmaster General Granger had so confidently written to De Witt Clinton, in February, that "O. P. has requested me to inform you that he never had said he would vote for A. B., vice p—t or Governor: He never said so." But, as Mr. Granger also remarked, "the political body has spasms as well as the natural."

The regular Republicans—Colonel Burr was no longer a Republican, he was an outcast, an independent—the regular Republicans, those who danced whenever De Witt Clinton fiddled, were astonished. The snake was not even scotched. But they were actively dismayed a short while later, when their candidate, Chancellor Lansing, refused to run against Colonel Burr and withdrew his name. They were not any less dismayed, however, than Mr. Hamilton. While Judge Lansing was still in nomination, and Colonel Burr merely a complication in the Republican campaign, the Federalists had held a secret caucus in Albany—only not so secret but that the Burrite *Chronicle* was able to announce, on February 17, that "last night the leading Federal gentlemen of this place had a meeting at the City tavern. Gen. Hamilton addressed the meeting with his usual eloquence, and pointed out the expediency of the

Federal party's voting for Chancellor Lansing in case they had no candidate of their own. The principal part of his speech went to show that no reliance can be placed on Mr. Burr."

But the Federalists were not so positive about that. Their party was utterly disorganized in the State; it seemed inevitable—as proved to be the case—that they would enter no candidate of their own; the logical thing to do was to vote for Colonel Burr against the regular Republican; and as for "Sandy," Gaylord Griswold, Federalist Congressman from Herkimer, had come near hitting the nail on the head when he said that Mr. Hamilton's opposition to Colonel Burr was due to his "personal resentment." So that the majority of the Federalists were inclined to ignore Mr. Hamilton's "Reasons" for supporting Judge Lansing, in order, so he said, to prevent a coalition of all the Republican factions "under a more adroit, able and daring chief" who would then be free—especially with scattered Federalist help—to join New England in her professed desire to dismember the Union.

Mr. Hamilton was very much worried. "The Republican party," he wrote Congressman Harper, "are greatly distracted . . . Col. Burr intends to profit by it, if he can, and has no bad chance of being lifted to the chair of government by the united efforts of the personal adherents among the Democrats, malcontents of the same party, and Federalists too angry to reason. . . . You will conclude from this that I do not look forward to his success with pleasure. The conclusion will be true. It is an axiom with me that he will be the most dangerous Chief



MORGAN LEWIS

After the painting by James Herring.

that Jacobitism can have . . . that a dismemberment of the union is likely to be one of the first fruits of his elevation, and the overthrow of good principles in our only sound quarter, the North, a result not very remote. I had rather see Lansing Governor, and the party broken to pieces." But before the letter was sent, Judge Lansing had withdrawn; the Republicans had chosen Chief Justice Morgan Lewis in his place; and a postscript prophesied that "Burr's prospect has extremely brightened."

And now Mr. Hamilton was in a panic. "From the moment Clinton declined," he told Rufus King, "I began to consider Burr as having a chance of success. It was still, however, my reliance that Lansing would outrun him; but now that Chief Justice Lewis is his competitor, the probability, in my judgment, inclines to Burr." And so he turned all his energies, all the powers of his eloquence, to the task of keeping his party in line for the Republican candidate—an attempt to nominate Mr. King in Federalist opposition was abandoned—and to the cult of that religious duty which he had once proclaimed to obstruct Colonel Burr's advancement, on the grounds that the Colonel was a dangerous usurper, a despot whose ambition it was to destroy the Federal Constitution—that same Constitution which, in a letter to Gouverneur Morris, in 1802, Mr. Hamilton had described as a "frail and worthless fabric." In his campaign for the Governorship in 1804, Colonel Burr had against him all the Clinton-Livingston cohorts, all the scurrilous libels of James Cheetham and all the personal prejudices of Alexander Hamilton.

3

He had with him—aside from his own devoted people in the city, his Martlings, Van Ness, the Swartwouts, and many important upstate adherents such as John Yates, Joseph Annin and Erastus Root—he had with him, of whatever advantage it might be to him, the eager good will of a considerable number of New England Federalists. For there was something quite definite behind all this talk of Mr. Hamilton's about the Union and dismemberment.

New England was scandalized by Mr. Jefferson's policies—if he could be said to have any—New England was endlessly weary of the domination of Virginia in national affairs. The recent purchase of Louisiana had only increased the possibilities of future southern preponderance in Federal councils; separation from the Union was in the air. Let there be a Northern Confederacy, with the Hudson or the Delaware as its boundary. Senator Pickering of Massachusetts, once Secretary of State under President Adams, had written about it, in January, to George Cabot and the "Essex Junto." There must be a separation, and——

"If Federalism is crumbling away in New England," he told him, "there is no time to be lost . . . its last refuge is New England, and immediate exertion perhaps its only hope. It must begin in Massachusetts. The proposition would be welcomed in Connecticut; and could we doubt of New Hampshire? But New York must be associated; and how is her concurrence to be obtained? She must be made the centre of the confederacy. Vermont and New Jersey

would follow of course, and Rhode Island of necessity. Who can be consulted, and who will take the lead?" For Connecticut, Congressman Roger Griswold was writing to Oliver Wolcott that "the magnitude and jealousy of Massachusetts would render it necessary that the operation should be commenced there. If any hope can be created that New York will ultimately support the plan, it may perhaps be supported."

But George Cabot, and Fisher Ames, and the others did not consider the plan practicable. "A separation at some period not very remote may probably take place," Mr. Cabot wrote Senator Pickering, but "even in New England, where there is among the body of the people more wisdom and virtue than in any other part of the United States, we are full of errors which no reasoning could eradicate. . . . We are democratic altogether; and I hold democracy in its natural operation to be the government of the worst. . . ." This was Mr. Hamilton at his best. "If we should be made to feel a very great calamity from the abuse of power by the National Administration, we might do almost anything; but it would be idle to talk to the deaf, to warn the people of distant evils. . . . A separation is now impracticable, because we do not feel the necessity or utility of it. . . . If it is prematurely attempted, those few only will promote it who discern what is hidden from the multitude."

There were, however, other influential men in New England besides George Cabot and Fisher Ames. Roger Griswold found that his friends "generally tell us that they are sensible of the danger, that the

Northern States must unite, but they think the time has not yet arrived. . . . Under these circumstances I have been induced to look to New York." Tapping Reeve—he was a Judge now—wrote to Senator Tracy, "I have seen many of our friends; and all that I have seen and most that I have heard from believe that we must separate, and that this is the most favorable moment." Down in Washington, Senator Plumer of New Hampshire had attended a dinner in company with Senator Pickering, Senator Hillhouse of Connecticut and the Vice President, at which Mr. Hillhouse had expressed the opinion that there would soon be two governments in the United States.

Colonel Burr had also conversed freely on the subject, "and the impression made on my mind," Senator Plumer recorded, "was that he not only thought such an event would take place, but that it was necessary that it should. . . . Yet, on returning to my lodgings, after critically analysing his words, there was nothing in them that necessarily implied his approbation of Mr. Hillhouse's observations. Perhaps no man's language was ever so apparently explicit, and, at the same time, so covert and indefinite."

4

The Colonel had not committed himself—he never did commit himself throughout the entire affair—but he could use the Federalists in his campaign, and the Federalists were obliged to use him. They must have New York, and for that purpose it must be

given to him. Mr. Hamilton might raise all the objections he pleased, the fact was, the Federalists were not paying anywhere near so much attention to Mr. Hamilton's commands as they were to Colonel Burr's fortunes. "I have wished to ascertain the views of Colonel Burr in relation to the general government," Mr. Griswold wrote to Mr. Wolcott in March, and if Mr. Hamilton were to see the letter all the better. "He speaks in the most bitter terms of the Virginia faction, and of the necessity of a union at the northward to resist it; but what the ultimate objects are which he would propose, I do not know. It is apparent that his election is supported in New York on the principle of resisting Virginia and uniting the North. . . .

"If Colonel Burr is elevated in New York to the office of governor by the votes of Federalism, will he not be considered, and must he not in fact become, the head of the Northern interest? His ambition will not suffer him to be second, and his office will give him a claim to the first rank. . . . By supporting Mr. Burr we gain some support, although it is of a doubtful nature, and of which, God knows, we have cause enough to be jealous. In short, I see nothing else left for us."

And Mr. Pickering had just been telling Rufus King that "the Federalists here in general anxiously desire the election of Mr. Burr to the chair of New York, for they despair of a present ascendency of the Federalist party. Mr. Burr, alone, we think, can break your democratic phalanx, and we anticipate much good from his success. Were New York detached, as under his administration it would be,

from the Virginia influence, the whole Union would be benefited. Jefferson would then be forced to observe some caution and forbearance in his measures. And if a separation should be deemed proper, the five New England States, New York, and New Jersey would naturally be united." Even Mr. Cabot informed Mr. King that "I should rejoice to see Burr win the race in your State, but I cannot approve of aid being given him by any of the leading Federalists."

Mr. Jefferson understood what was happening. "The federalists know that . . . they are gone forever," he wrote to Gideon Granger in April. "Undoubtedly, they have but one means, which is to divide the republicans, join the minority, and barter with them for the cloak of their name. I say, join the minority; because the majority of the republicans not needing them, will not buy them. The minority, having no other means of ruling the majority, will give a price for auxiliaries, and that price must be principle. It is true that the federalists, needing their numbers also, must give a price, and principle is the coin they must pay in. . . . Is it possible that real republicans can be gulled by such a bait?"

But Mr. Griswold was not confining himself to correspondence. "I have engaged to call on the Vice President as I pass through New York," he notified Mr. King. "I do not see how he can avoid a full explanation with Federal men. His prospects must depend on the union of the Federalists with his friends, and it is certain that his views must extend much beyond the office of governor of New York.

He has the spirit of ambition and revenge to gratify and can do but little with his 'little band' alone." The interview took place on April 4, and the Colonel admitted that "he must go on democratically to obtain the government; that if he succeeded, he should administer it in a manner that would be satisfactory to the Federalists." Well—he was no longer a Republican, the Republicans themselves had said so! "In respect to the affairs of the nation, Burr said that the Northern States must be governed by Virginia, or govern Virginia, and that there was no middle course." In other words, Colonel Burr, as usual, said very little to Mr. Griswold, one way or another. But a great many Federalists voted for him, in spite of Mr. Hamilton who was later to remark that—

"Dismemberment of our empire will be a clear sacrifice of great positive advantages, without any counterbalancing good; administering no relief to our real disease, which is democracy." Part of a speech, perhaps, which he had intended to make at that meeting of the Federalist separatists in Boston which he had promised to attend, in the fall of 1804. . .

The truth was, that throughout the country, in 1804, and for some years to come—New England was still at it in 1809 and 1810—the idea of permanence was by no means unanimously associated with the Union. Until Mr. Jefferson heard, in 1806, that Colonel Burr entertained some such intention with regard to the western region—when it suddenly became treason—the talk of separation from the Union on the part of various territories was viewed with

considerable equanimity in official circles, and some of the most respected citizens in America were outspoken in their support of such dismemberments.

Indeed, was not Mr. Jefferson writing, in 1804, to Mr. Priestly that "whether we remain in one confederacy, or form into Atlantic and Mississippi confederacies, I believe not very important to the happiness of either part. Those of the Western confederacy will be as much our children and descendants as those of the Eastern, and I feel myself as much identified with that country in future time as with this." And had he not written to John Breckenridge, on August 12, 1803, concerning the purchase of Louisiana, that "these federalists see in this acquisition the formation of a new confederacy, embracing the waters of the Mississippi, on both sides of it, and a separation of its eastern waters from us. . . . The future inhabitants of the Atlantic and Mississippi States will be our sons. We leave them in distinct but bordering establishments. We think we see their happiness in their union, and we wish it. Events may prove it otherwise; and if they see their interests in separation, why should we take sides with our Atlantic rather than our Mississippi descendants? It is the elder and the younger son differing. God bless them both, and keep them in union, if it be for their good, but separate them, if it be better."

At all events, during the course of Colonel Burr's campaign in New York State, the Federalists of New England were seriously considering such a separation; whether or not with his actual encouragement, they were looking to the Colonel for leadership, and hoping

for his success; their banquets rang with toasts to "the Virginia Dominion—may it be bounded by the Constitution or by the Delaware!" and to "Aaron's Rod—may it blossom in New York!"

CHAPTER IV

BROADSIDES

I

And for a while, Aaron's Rod did flourish in New York, during the course of a campaign which became notorious for its violence, for its scurrility and for its bitterness which set family against family, severed the relations of lifelong friendships and disrupted the associations of long standing partnerships. There were no issues, except possibly the Virginia question, only the venomous fury of a vast personal animosity.

Colonel Burr, his supporters announced in a broadside, should be chosen because he had no family "to provide for out of the public treasury," necessitating a distraction of "his executive attention from the calm, undisturbed contemplation of grand objects of public utility." Because he had "no large, powerful family connections to swarm like locusts in every part of the State government, possessing large landed interests . . . commanding a powerful undue influence at elections, tending to introduce a dangerous family monopoly of posts, honour and profit, which by producing a dangerous aristocracy,

out of the bosom of democracy in a course of time would destroy the noble independency of free born citizens, and introduce a servile, soul-debasing subserviency into the American yeomanry."

Because he was "a republican possessing no aristocratic principles from the beg'nning," who had "arrived to official dignity by his own personal merit and talents." Because he was "a lawyer of the first grade . . . a parallel with Hamilton in point of sound argument, polished shafts of manly, nervous eloquence, impressive and convincing reasoning." Because "as a private citizen he has ever been a patron of science, an advocate for talents, a lover of the fine arts, a friend to commerce." Because he was "gallant and intrepid in war, amiable in private life, affable in his deportment, tempered with dignity, wisdom and an habitual prudence.

"Shall such a meritorious character," the Burrites asked, "fall a sacrifice to persecutions of an unprincipled minion and foreign renegade, practicing upon unsuspicious credulity charges without proofs, incessant inflamatory declamations without argument, violent, scurrilous, outrageous censures without decency, dignity or moderation?"

2

But the unprincipled minion and foreign renegade, Mr. Clinton's Mr. Cheetham, was issuing broadsides of his own, even if he did copy them from earlier Federalist fulminations. Aaron Burr, that Catiline, was "Confessed in all his Villainy." An Indignant Public must learn of "His Abandoned Profligacy, and the Numerous Unhappy Wretches who have fallen

Victims to this accomplished and but too successful Debauchee." It was time to "tear away the veil that hides this monster, and lay open a scene of misery at which every heart must shudder."

It was not necessary to speak "of the late celebrated courtezan N——, nor V——, nor S——, nor of a half a dozen more whom His Intrigues have Ruined and his Satiated Brutality has afterwards thrown on the town." There was another more recent and shameful act. While in Washington, Colonel Burr had "Seduced the daughter of a respectable tradesman," and she was "now in Keeping in Partition Street." But "the Villain has not long enjoyed this triumph over female weakness—the father of the girl has at length, after a laborious and painful search, found out the author of his child's Ruin, and his Family's Dishonor. He is now in this City, and Vengeance will soon light on the guilty head."

And if that was not enough, Mr. Cheetham had other matters in his inkwell. According to him, Colonel Burr, as trustee of the Behrens estate, had defrauded the heirs of certain important sums which had never been paid over to them. It was all very complicated—and the Colonel's procedure in chancery had been approved by Mr. Hamilton and other members of the bar—but, if Mr. Cheetham's broadside was to be believed, "The Liar" was "Caught in his own Toils!" There followed a lengthy *exposé* of the situation, and the fact that certain German citizens signed affidavits disproving Mr. Cheetham's charges made no impression on the Bloodhound. On the contrary, he asserted that the affidavits were

false, or else that the moneys alleged in them to have been paid by Colonel Burr had been disbursed by him at the last moment in order to save his reputation.

And so, "God forbid that we should idly alarm your fears at a moment when you are about to perform a duty, the exercise of which requires the utmost coolness and deliberation"—yes, indeed. "But we cannot forbear to mention that we have reason to fear the most awful consequences to ourselves and posterity should Aaron Burr, the federal candidate, succeed. . . . Dissolve the Union and we become the eternal prey of foreign and domestic wars. We shudder at the thought, but to conceal from you our fears that the election of Colonel Burr is intended only as a prelude to this dreadful catastrophe would be worse than criminal. Already do his partizans proclaim their hatred of Virginia. . . . This is a wicked attempt to sow jealousy in your minds, the authors of which ought to be universally execrated. . . . Let us then once more entreat you, fellow citizens, in the sacred name of Union, Liberty and Independence, to turn out at the polls and support the election of the real republican candidate, Morgan Lewis."

Signed, Alexander Hamilton—De Witt Clinton—James Cheetham—No, merely "A friend to Liberty and Justice."

3

The weeks passed. "You take Richmond Hill," the Colonel wrote to Theo, inviting her to come north. "I have got a nice, new, beautiful little

chariot, made purposely to please you. I have also a new coachee, very light . . . invented by the vice president. . . . Of horses I have five, three always and wholly at your devotion. . . . Of servants there are enough for family purposes . . . as there are at my house Peggy, Nancy, and a small girl of about eleven. Mr. Alston may bring a footman . . . he may, however, bring six or eight of them, if he like: The cellars and garrets are well stocked with wine. . . . I shall take rooms . . . in town, but will live with you as much or as little as you may please and as we can agree." But Theo was not well, and could not make the journey.

The Colonel opened an office in John Street, in which "he and his faction assemble," Mr. Cheetham announced. "Mr. Burr observes no delicacy, no decency. He electioneers in person. He is more than ever active. His carriage is incessantly on the run. He writes paltry handbills and newspaper squibs, full of falsehoods. There are no arts too mean for this Discarded individual." Aside from that, his conventions were to be "compared with a company of strolling players, moving from town to town to act the Burr farce," and as for his caucuses—

> "The motley crew this night shall meet,
> We'll triumph with such aid I think;
> I'll take the Chair, and then we'll drink
> Union of Honest Men!"

And anyway, the official Republican circular remarked, "the prosperity of the State and the welfare

of the Republican cause are so obviously connected with the success of [Morgan Lewis and John Broome] that nothing but the most supine inattention on the part of their friends . . . can afford the adverse party the least chance of success." Colonel Burr's "parade of fictitious strength is artfully made with a view to enlist the timid, the weak, the wavering and the interested. . . . His friends in this city have conducted their meetings with so much secrecy, that we have not been able to obtain an exact list of their names, but we have good reasons to believe they do not exceed fifty persons entitled to vote, certainly they do not go beyond one hundred."

But the "little band" of Burrites could keep up their end. They published a circular listing the Clintonian and Livingstonian office holders. They established a newspaper called the *Corrector*, in which they made violent attacks of their own on Mr. Cheetham and the reigning families—"Virtue, with due contempt, sees Cheetham stand, with murd'rous poignard in his palsied hand"—and wrote editorially that "the encouragement and circulation which have been given to the calumnies of a foreign vagabond render it necessary that some effectual measures should be adopted to repel his attacks. . . . In no country of the world has such a bold and wicked licentiousness of the press ever been tolerated as has for some time disgraced this agitated city."

And the Burrites could sing, and did so with great unction—"Betty Mopstick's" *Physic for Cheetham*, to the tune of *The White Cockade*—

"Rise, rise! Columbians, make your stand
Entwine around the faithful band;
The band once small, by you made great,
Will raise the standard of the State.
Fell slander, hide your snaky crest,
We'll choose the patriot we like best;
Burr's cause on naked truth relies,
And shines more bright by Cheetham's lies.
When Aaron shall your gov'nor be,
Key stone on arch of liberty,
Who bravely fought for freedom's cause,
Will prove best guardian of your laws.
To Wortman's tricks and De Witt's gall,
Shall a devoted victim fall?
Brave Washington bursts through the skies,
Indignant frowns at Cheetham's lies!"

4

To all of which Mr. Cheetham could only reply, through "Sylphid," that "Aaron Burr is closeted with his sattelites in dark divan. He is using every wicked art to promote his own election. . . . He has employed detestable hirelings to nullify and abuse our most faithful public characters. . . . Aaron Burr and his disgraceful associates have exceeded all bounds. . . . If decency would permit, I could tell such tales of all of them as would put them down forever. . . . But let the disgraceful debauchee who permitted an infamous prostitute to insult and embitter the dying moments of his injured wife, let him look home." Really, Mr. Cheetham!

"Vain dotard! Does he aspire to public honor? Let this hint suffice . . . Basilisk beware! An eye

A warning to Libellers.

AARON BURR is closeted with his satellites in dark divan. He is using every wicked art to promote his own election. He is surrounded by a little party of discontended men, who are attempting to destroy our republican administration, with a view that they may procure offices. He has employed detestable hirelings to vilify and abuse our most faithful public characters. Can we pardon the abuse which the villainous wretch, Aristides, has heaped upon our worthy President, THOMAS JEFFERSON, by representing him as a weak and fickle visionary; in fine as an ideot, incompetent to preside over the affairs of a great nation? a more formidable charge could not have been advanced against this illustrious character, for it is as fatal to desert a cause from weakness as to betray it by treachery. Aaron Burr and his disgraceful associates have exceeded all bounds—they have carried calumny, slander, and detraction to a greater heigth than was ever done before. They have established a News-Paper for no other purpose than to abuse private characters. No men are so vulnerable as themselves. If decency would permit, I could tell such tales of all of them as would put them down for ever. I shall forbear. But let the disgraceful debauchee who permitted an infamous prostitute to insult and embitter the dying moments of his injured wife; let him look home. Degraded as he is, beyond contempt in the opinion of all good men. Vain Dotard! Does he aspire to public honor? Let this hint suffice—Let it shew what I could relate—I know their rottenness of characters, and could torture the very marrow of their bones.

"I could" some tales "unfold, whose lightest word would harrow up thy soul; "freeze thy young blood; make thy two eyes like stars, start from their spheres; thy "knotty and combined locks to part, and each particular hair to stand an end like quills "upon the fretful Porcupine."

Basilisk beware! an eye keen as the lightning—A voice powerful as the thunder of the heavens is near thee—Revoke not the power which can crush thee in an instant. At present it beholds thee with sovereign disdain and with contempt ineffable—Child of the dust—Little Puppet of the day—It can sport with thee—It has a merciful spirit; but there is a point of endurance, beyond which, it is not to be controuled.

SYLPHID.

BURR-LEWIS CAMPAIGN POSTER, 1804

Original in the possession of the New York Public Library.

keen as lightning— A voice powerful as the thunder of the Heavens is near thee— Invoke not the power which can crush thee in an instant. At present it beholds thee with sovereign disdain and with contempt ineffable. Child of the dust—Little Puppet of the day—It can sport with thee. It has a merciful spirit; but there is a point of endurance beyond which it is not to be controlled."

A pretty little campaign document, an ornament to the refined columns of the *American Citizen*, but Mr. Cheetham's "Creed of the Burrites" a few weeks before had been even worse. They were, he said, a new sect "who preach strange doctrines and make wonderful writhings and contortions of the body and limbs at the corners of the streets, and in sundry ale houses, bed chambers and other places—to the great amazement of all men, women and children, and to the consternation of many pious and devout people," and they believed certain things—and if one presumes to quote some of them it is because one needs to appreciate the quality and tenor of political controversy in the opening years of the previous century.

They believed that Aaron Burr "is the hero, patriot and wonder of the present age, and that he is descended in a direct line from Alexander the Great, who was the son of Jupiter Ammon"; that he "is so good, pious and devout a man that after he has been Governor of the State of New York and President of the United States he will then be made Pope of Rome;" and that after his election "all those who have voted for him shall feed at his table three times a week on sixty different dishes of meat, and drink

of seven different kinds of wine—and ride with him in his coaches and in his curricles, and walk in his ground, and have the pleasure of admiring the beautiful naked portraits which decorate his bed chambers."

And they believed that "Catiline, or Arnold, or Oliver Cromwell, or Robespierre, or Pontius Pilate would either of them make a very good governor;" that "any man who is a bankrupt, or who owes everybody and never pays, would make the best possible governor"; that Mr. Burr was "the most chaste man in the world, and that his home is an asylum for persecuted virginity"; that "fornication and adultery are not crimes; and that any unmarried man or widower, before or after he is governor of the state, has a right to keep a seraglio, or make appointments at the Manhattan Bath, or be a Solomon with three hundred wives and concubines, if he pleases"; and that "it is totally unnecessary and inexpedient that the governor of a state should be either sober, pious, chaste, virtuous, moral, honorable, or fair in his dealings."

5

And so, on April 25, 1804, they all came to the poll for the three days of riotous voting—the Clintons, the Livingstons, the Republican regulars, with the Federal administration, the State Council of Appointment and Alexander Hamilton behind them; and on the other side, Colonel Burr and the forlornly hopeful "little band," and in the background, Roger Griswold, and Timothy Pickering, and those excellent gentlemen of New England.

And Colonel Burr actually carried the city, by some

hundred votes, but Mr. Lewis had the State by more than eight thousand. Fell slander, hide your snaky crest!

"Shall free Columbia's sons maintain
Those men who pliant seek for gain?
Shall they become the stepping stones
Of worthless, idle, pilfering drones?
Shall those who ne'er did fire a gun
Wear laurels gain'd by battles won?"

So it seemed—although the Burrites were not singing that night at Martling's. And out at Richmond Hill there were no flattering crowds; only a lonely man whose star had fallen. . . .

CHAPTER V

AT TEN PACES

I

ALEXANDER HAMILTON had taken little part in the New York election of 1804. He had attended few meetings, he had made few speeches, he had not even ridden through the wards on his horse. His *Evening Post* had behaved with decorum—Mr. Coleman was no vulture—he was himself, and continued to be, on terms of social friendship and association with Colonel Burr. Charles Biddle dined with the two of them at Richmond Hill; there was nothing in their mutual conduct to suggest any enmity between them, other than the natural incompatibility of their political views. Indeed, there is considerable evidence that Colonel Burr was really quite fond of Mr. Hamilton, personally.

But if he had done nothing publicly, in private, in the security of his library, Mr. Hamilton had worked incessantly to disparage Colonel Burr—to injure his cause, to assist his defeat—by means of the letters which he exchanged and the conversations which he held with other members of the Federalist party. He had done this in 1801, he did so again in 1804. And finally he did so once too often. At all events,

some letters referring to remarks which he had made regarding Colonel Burr found their way into the columns of the Albany *Register*, and were even used as campaign literature. There were three of these letters—fatal documents they were to be—and their publication was no doubt due to a controversy which had arisen among the gentlemen concerned in them as to the exact nature of previous utterances.

The first, written by Doctor Charles Cooper to Andrew Brown, of Berne, on April 12, 1804, stated that "the friends of Col. Burr are extremely active . . . Gen. Hamilton . . . it is said has come out decidedly against Burr; indeed when he was here he spoke of him as a dangerous man and ought not to be trusted. Judge Kent also expressed the same sentiment. The Patroon was quite indifferent about it when he went to New York."

The second, from General Schuyler to Doctor Stringer, chairman of the Albany Federal Committee, on April 21, referred to Doctor Cooper's letter and said that "I think it proper to mention that while Chancellor Lansing was considered as the candidate, General Hamilton was in favor of supporting him—but after the nomination of Chief Justice Lewis, he declared to me that he would not interfere. And I can further inform you, that Stephen Van Rensselaer Esq. . . . declared his decided opinion in favor of the election of Col. Burr. . . . I further declare that on or about the 3rd of April instant, Judge Kent declared to me that in a late conversation with Judge Lewis he informed the Judge himself that he was in favor of the election of Col. Burr: And also, that Judge Kent did, at a prior day, make a declaration to

me in favor of Col. Burr in preference to Judge Lewis."

The third letter—the important one—was from Doctor Cooper to General Schuyler, on April 23, and maintained that "General Hamilton and Judge Kent have declared, in substance, that they looked upon Mr. Burr as a dangerous man, and one who ought not to be trusted with the reins of the government. If, sir, you attended a meeting of Federalists at the City Tavern where General Hamilton made a speech on the pending election I might appeal to you for the truth of so much of this assertion as related to him. . . . I could detail to you a still more despicable opinion which General Hamilton has expressed of Mr. Burr."

2

It was inevitable that this published letter should come into Colonel Burr's hands, as it did some time in June only. To a man who had not yet forgotten the humiliations of the campaign—the Creed of the Burrites, the libels of Sylphid and Cheetham—to a man who, some time before, had told Charles Biddle that " he was determined to call out the first man of any respectability concerned in the infamous publications concerning him"; to a man nurtured in the prevailing code which established the avenging of public insult by means of personal armed encounter as the incontestable privilege of gentlemen—if not, indeed, as their inescapable duty—there was only one possible response to such provocation. Provided that he was sufficiently well born, the identity of the offender was of no consequence in an age which, without any com-

punction, brought partners, friends and even relatives together upon the field of honor. In the present case the revelation of hypocrisy and concealed enmity was an additional grief.

Colonel Burr wrote to Mr. Hamilton demanding an explanation. The letter was conveyed, on June 18, by William Van Ness, and read, "Sir, I send for your perusal a letter signed Charles D. Cooper, which, though apparently published some time ago, has but very recently come to my knowledge. Mr. Van Ness, who does me the favour to deliver this, will point out to you that clause of the letter to which I particularly request your attention. You must perceive, Sir, the necessity of a prompt and unqualified acknowledgement or denial of the use of any expression which would warrant the assertions of Dr. Cooper."

In Colonel Burr's estimation, the letter, the situation, called for an unequivocal explanation. Either Mr. Hamilton had, or he had not, made the remarks referred to. If he had not, then a public disavowal was due to Colonel Burr; if he had,then an immediate apology was incumbent upon Mr. Hamilton unless he proposed to abide by his reported utterances. Mr. Hamilton had not hesitated to defend his financial honor in a publication involving the reputation of his mistress and the sensibilities of his wife; the mere confession or denial of personal observations should not have found him in any perplexing dilemma. The matter was one of transparent simplicity. But Mr. Hamilton did not give any explanation. He argued, he quibbled, he split hairs as to phraseology, but he did not explain.

He had, he wrote on June 20, "maturely reflected," and the more he reflected the more he had become convinced "that I could not, without manifest impropriety, make the avowal or disavowal which you seem to think necessary." The language of Doctor Cooper implied that "he considered this opinion of you, which he attributes to me, as a despicable one; but he affirms that I have expressed some other, more despicable, without, however, mentioning to whom, when, or where. 'Tis evident that the phrase, 'still more despicable,' admits of infinite shades, from very light to very dark. How am I to judge of the degree intended, or how shall I annex any precise idea to language so indefinite?" There was some more discussion of "inferences," of "despicable" and of "still more despicable," and then "I stand ready to avow or disavow promptly and explicitly any precise or definite opinion which I may be charged with having declared of any Gentleman. More than this cannot fitly be expected from me; and especially it cannot be reasonably expected that I shall enter into an explanation upon a basis so vague as that which you have adopted. . . . I can only regret the circumstance and must abide the consequences." A duel had been invited.

Colonel Burr was not impressed. Had Mr. Hamilton, or had he not, made the alleged remarks? Yes or no? Having considered Mr. Hamilton's letter attentively, the Colonel replied on June 21, "I regret to find in it nothing of that sincerity and delicacy which you profess to value. Political opposition can never absolve gentlemen from the necessity of a rigid adherence to the laws of honour, and the rules of

decorum. I neither claim such privilege nor indulge it in others. The common sense of mankind affixes to the epithet adopted by Dr. Cooper the idea of dishonour. It has been publicly applied to me under the sanction of your name. The question is not whether he has understood the meaning of the word . . . but whether you have authorised this application, either directly or by uttering expressions or opinions derogatory to my honour. . . . Your letter has furnished me with new reasons for requiring a definite reply."

3

Mr. Hamilton considered this letter "rude and offensive," and called Judge Pendleton into conference. After various interviews, Mr. Pendleton gave Mr. Van Ness a letter from Mr. Hamilton to Colonel Burr which criticised his first communication as "too peremptory" and expressive of "unprecedented and unwarrantable" demands, and his second as "indecorous and improper." And if "direct avowal or disavowal" was required, "I have no other answer to give than that which has already been given."

However, it developed in consultations between Mr. Pendleton and Mr. Van Ness that the former was prepared to secure from Mr. Hamilton a statement that the conversation quoted by Doctor Cooper "turned wholly on political topics, and did not attribute to Col. Burr any instance of dishonorable conduct, nor relate to his private character," and that "a prompt and frank avowal or denial" would be given with regard to "any other language or conversation of General Hamilton which Col. Burr will specify."

In other words, the references to Colonel Burr quoted by Doctor Cooper simply concerned his political personality, and were consequently quite permissible; an avowal or denial of specific statements would be given, if Colonel Burr could furnish them; but the clause in Doctor Cooper's letter about an opinion "still more despicable" did not contain any such specific material, and so could neither be avowed nor denied. This was Mr. Hamilton's position, and it was, on the face of the circumstances, a perfectly sound one. Colonel Burr was insisting on an explanation of utterances which he was not in a position to enumerate. Mr. Hamilton was resting his case on the letter, and not on the spirit, of the communication under discussion.

To what extent sincerity and candor should have permitted him to maintain this attitude—and to what extent the fact that in this one case Mr. Hamilton's remarks did not attack Colonel Burr's conduct and private character could be taken as indicative of his habitual procedure—can best be appreciated, perhaps, from Mr. Hamilton's own observations, written just before the duel, in which he admitted that "it is not to be denied that my animadversions on the political principles, character and views of Col. Burr have been extremely severe; and on different occasions, I, in common with many others, have made very unfavourable criticisms on particular instances of the private conduct of this gentleman. . . . It is not my design, by what I have said, to affix any odium on the conduct of Col. Burr in this case. He doubtless has heard of animadversions of mine which bore very hard upon him; and it is

probable that as usual they were accompanied with some falsehoods. He may have supposed himself under a necessity of acting as he has done."

At all events, Colonel Burr was exasperated beyond measure. It could only seem to him that Mr. Hamilton was evading the issue which, at best, he could only hope to postpone. On June 26, Mr. Van Ness replied that Colonel Burr found "no disposition on the part of Gen. Hamilton to come to a satisfactory accommodation. . . . No denial or declaration will be satisfactory, unless it be general so as wholly to exclude the idea that rumours derogatory to Colonel Burr's honour have originated with General Hamilton, or have been fairly inferred from any thing he has said. . . . This being refused, invites the alternative alluded to in Gen. Hamilton's letter of the 20th"—the "consequences."

It was to be said afterwards that Colonel Burr had forced Mr. Hamilton into a duel; that the nature of the correspondence did not warrant so drastic a termination; that Mr. Hamilton had done all in his power to meet Colonel Burr's demands. That this opinion was not shared by at least one of his contemporaries is made clear in a letter to Congressman Nicholson, written, after the Burr-Hamilton documents had been made public, by John Randolph—who, if he disliked Mr. Hamilton, thought even less highly of Colonel Burr. "I admire his [Burr's] letters," Mr. Randolph stated, "particularly that signed by Van Ness, and think his whole conduct in that affair does him honor. How much it is to be regretted that so nice a perception of right and wrong, so delicate a sense of propriety as he there exhibited,

should have had such little influence on his general conduct! In his correspondence with Hamilton, how visible is his ascendancy over him, and how sensible does the latter appear of it! There is an apparent consciousness of some inferiority to his enemy displayed by Hamilton throughout that transaction, and, from a previous sight of their letters, I could have inferred the issue of the contest. On one side there is labored obscurity, much equivocation, and many attempts at evasion, not unmixed with a little blustering; on the other an unshaken adherence to his object, and an undeviating pursuit of it not to be eluded or baffled. It reminded me of a slinking fox, pressed by a vigorous old hound, where no shift is permitted to avail him."

At any rate, the challenge had been sent. There was some further interchange; charges of indefiniteness on the part of Colonel Burr by Mr. Hamilton; denials of predetermined hostility by the Colonel; and then, on June 27, the final missive from Mr. Van Ness to Mr. Pendleton, informing him that Colonel Burr "deems it useless to offer any proposition except the simple message which I shall now have the honour to deliver."

Mr. Hamilton had already declared that "if the alternative alluded to . . . is definitely tendered, it must be accepted." Colonel Burr ordered himself a new black silk coat. . . .

4

It was not the first time that Colonel Burr and Mr. Hamilton had come in contact under circumstances

involving the code. In 1797, after the publication of the Reynolds documents, including certain statements of Mr. Monroe's disparaging to Mr. Hamilton, the latter had requested a denial from the ex-Senator. Mr. Monroe had behaved in an equivocal manner quite comparable to Mr. Hamilton's later conduct towards Colonel Burr, and finally a challenge had passed. Mr. Monroe declared, so Mr. Van Buren reported in his autobiography, that "if the General's letter was intended to convey a demand for personal satisfaction, his friend Col. Burr was authorized to make the necessary arrangements." Mr. Hamilton appointed a second, but denied any such intention unless Mr. Monroe insisted upon it, and Mr. Monroe disclaimed any desire for the meeting, which consequently did not take place.

But the extent to which Colonel Burr may have served as a peacemaker in this affair is revealed in an unpublished memorandum written by him in August, 1797—presumably the draft of an agreement between the principals, and Mr. Muhlenburgh and Mr. Venable—stating that "we certify that, in consequence of Information which we received in December 1792 of a concern in speculation between A. H. then Sec. of the T. and one J. Reynolds, we had an explanation on the subject with the said A. H. who by that explanation supported by written documents satisfied us that the above charge was ill founded as we declared to him at the time: That the impression under which we left him of our being so satisfied was reciprocal and is still the same. Aaron Burr." It must be that this agreement was never ratified, or else one is at a loss to understand why Mr. Hamilton

should not have published it, rather than the confession which he subsequently promulgated.

And—aside from his own son Philip's death on the field of honor—the proposed encounter with Mr. Monroe was not the only one in which Mr. Hamilton had been concerned. Much was to be made of his statement, written the evening before his fatal duel, to the effect that "my religious and moral principles are strongly opposed to the practice of duelling, and it would ever give me pain to be obliged to shed the blood of a fellow creature in a private combat forbidden by the laws"—but in his younger days, certainly, Mr. Hamilton had not failed to recognize the code and to avail himself of it. If he deplored the practice in theory, he did not hesitate to put its theories into practice. He had, therefore, in 1778, proposed to challenge General Lee because of his disrespectful behavior towards General Washington at the battle of Monmouth; but a choice by lot fell to Mr. Laurens, a fellow aide, and Mr. Hamilton served instead as second to the challenger in the duel which eventually took place. And in addition to the Monroe affair, there had been a political quarrel with Commodore Nicholson, the father-in-law of Albert Gallatin, as a result of which a duel upon Mr. Hamilton's challenge was only averted through the exertions of friends.

5

The duel, by mutual agreement, was postponed until the cloture of the Circuit Court before which Mr. Hamilton was trying cases. For some ten days the two men went quietly about their business, at-

tended to their public affairs and entertained at their homes. They made their wills—although they had neither of them much to leave except debts. They met once, on July 4, at the banquet of the Society of the Cincinnati of which Mr. Hamilton was President-General. They sat next to each other—the Vice President was one of the guests of honor—but they did not speak; Colonel Burr seemed reserved, it was remembered afterwards, and gazed intently at Mr. Hamilton when the latter favored the gathering with a song.

Ten perfectly normal days, without any suspicion of trouble among their friends; and yet within that short space of time—while he was preparing himself for the encounter—Colonel Burr was obliged to fight another duel which seems to have entirely escaped contemporary notice. Among Mr. Hamilton's intimates was Samuel Bradhurst—that gentleman who had married Mrs. Burr's cousin, Mary Smith—and news of the approaching meeting must have reached him, for he called upon Colonel Burr, feeling himself "in a position to attempt privately the task of a reconciliation." But Mr. Bradhurst only succeeded in quarreling with Colonel Burr, and a duel followed, the only available details of which are to be found in Mr. A. M. Bradhurst's history of his forefathers, in which he reported the statement made confidentially to his son by Samuel Bradhurst to the effect that he had fought Colonel Burr with swords, and had come away slightly wounded in the arm. . . .

And now, with Samuel Bradhurst out of the way, it was Friday, July 6, the circuit was closed and Mr. Hamilton was ready at any time after the following

Sunday. On July 9 the seconds made the final arrangements and decided upon seven o'clock on the morning of Wednesday, July 11, at Weehawk. The cartel ordained that "the parties will leave town . . . about five o Clock, and meet at the place agreed on. The party arriving first shall wait for the other. The weapons shall be pistols not exceeding eleven inches in the barrel. The distance ten paces. The choice of positions to be determined by lot. The parties having taken their positions one of the seconds to be determined by lot (after having ascertained that both parties are ready) shall loudly and distinctly give the word 'present'— If one of the parties fires, and the other hath not fired, the opposite second shall say one, two, three, fire, and he shall then fire or lose his shot. A snap or flash is a fire."

The two men wrote their last personal letters. Colonel Burr provided for some of his servants; he asked Theo to burn his correspondence from women and left instructions concerning a certain lady to whom he considered himself beholden; he had already told Theo that "I am indebted to you, my dearest Theodosia, for a very great portion of the happiness which I have enjoyed in this life. You have completely satisfied all that my heart and affections had hoped or even wished. With a little more perseverance, determination and industry you will obtain all that my ambition or vanity had fondly imagined. Let your son have occasion to be proud that he had a mother. Adieu. Adieu."

To his son-in-law he stated that "I have called out General Hamilton and we meet tomorrow morning. . . . If it should be my lot to fall . . . yet I

shall live in you and your son. I commit to you all that is most dear to me—my reputation and my daughter. Your talent and your attachment will be the guardian of the one—your kindness and your generosity of the other. Let me entreat you to stimulate and aid Theodosia in the cultivation of her mind. It is indispensable to her happiness and essential to yours. It is also of the utmost importance to your son. She would presently acquire a critical knowledge of Latin, English, and all branches of natural philosophy. All this would be poured into your son. If you should differ with me as to the importance of this measure suffer me to ask it of you as a last favor. She will richly compensate your trouble."

On perhaps his last night on earth, the Colonel was still laying down courses of study. For a while, then, he slept, in the library. . . .

6

And Mr. Hamilton was writing for posterity.

"I trust," he said, "that the world will do me the justice to believe that I have not censured him [Colonel Burr] on light grounds, nor from unworthy inducements. I certainly have had strong reasons for what I may have said, though it is possible that in some particulars, I may have been influenced by misconstruction or misinformation. It is also my ardent wish that I may have been more mistaken than I think I have been, and that he, by his future conduct, may show himself worthy of all confidence and esteem, and prove an ornament and blessing to the country. . . ."

7

On July 12, the morning following the duel, after a considerable discussion of its details, the seconds published the only document which represents an agreement of both sides as to the facts.

"Col. Burr," they announced, "arrived first on the ground, as had been previously agreed: when Gen. Hamilton arrived the parties exchanged salutations, and the seconds proceeded to make their arrangements. They measured the distance, ten full paces, and cast lots for the choice of position, as also to determine by whom the word should be given, both of which fell to the second of Gen. Hamilton. They then proceeded to load the pistols in each other's presence, after which the parties took their stations. The gentleman who was to give the word then explained to the parties the rules which were to govern them in firing. . . . He then asked if they were prepared; being answered in the affirmative, he gave the word 'present,' as had been agreed on, and both parties presented and fired in succession—the intervening time is not expressed, as the seconds do not precisely agree on that point.

"The fire of Colonel Burr took effect, and General Hamilton almost instantly fell. Col. Burr then advanced towards General Hamilton, with a manner and gesture that appeared to General Hamilton's friend to be expressive of regret, but without speaking turned about and withdrew, being urged from the field by his friend . . . with a view to prevent his being recognized by the surgeon and bargemen who were then approaching. No further communication

took place between the principals, and the barge that carried Col. Burr immediately returned to the city. We conceive it proper to add that the conduct of the parties in this interview was perfectly proper as suited the occasion."

Mr. Coleman of the *Post* added that Mr. Van Ness had covered Colonel Burr with an umbrella, so that technically Doctor Hosack should not see him on the field; and that as soon as the bullet had struck Mr. Hamilton, "he raised himself involuntarily on his toes, turned a little to the left (at which moment his pistol went off) and fell upon his face." Colonel Burr was landed at the foot of Canal Street, and went at once to Richmond Hill. Mr. Hamilton was conveyed to the home of William Bayard, situated in the village of Greenwich—on a spot which eventually became the center of Horatio Street—where he lingered for thirty-one hours in great pain. "The Ball entered between the two lower ribs," Thomas Cooper wrote Stephen Van Rensselaer, "the right side, and is lodged in the Centre of his body. The Spine is affected and from symptoms of Palsy in his thigh and leg his Physicians think very much injured . . . the Chances a thousand to one against him." He died at about two o'clock, on the afternoon of July 12.

"We publish with regret the melancholy intelligence that General Hamilton expired yesterday afternoon," the Burrite *Chronicle* recorded. "Few circumstances have awakened such general sympathy as the sudden decease of this gentleman, so distinguished for his talents, so warmly estimated by his friends and so highly respected in extensive circles of society. . . ."

8

The seconds could never agree on one most important point. Had Mr. Hamilton deliberately fired at Colonel Burr? Mr. Pendleton maintained that he had not; that his pistol had been discharged accidentally; that he had never intended to fire at Colonel Burr, and had so stated in the presence of Doctor Hosack while being conveyed back to the city. Mr. Van Ness was as flatly convinced of the contrary, and finally published a card in the *Chronicle*, to the effect that "the friend of Col. Burr laments the difference of opinion that exists between him and the gentleman who attended General Hamilton. . . . He, however, declines entering into any discussion on the subject at present, considering this a very improper moment for that purpose. Nothing calculated to increase the agitation that prevails can add to the fame of the deceased. . . . Had the event proved fatal to his friend . . . the writer would have been earnest in protecting General Hamilton from any injurious result—in the actual posture of affairs, he is equally desirous to waive every discussion, through a respect to his memory, and also to the feelings of his friends."

It was Mr. Pendleton's word against that of Mr. Van Ness, and the only other witnesses aside from Colonel Burr—Marinus Willett, and Matthew Davis, and one or two other Burrites who had been concealed in the bushes near the duelling ground—preferred not to admit their presence and made no statements, Mr. Davis himself going to the bridewell rather than testify when summoned, for fear of being

obliged to incriminate the Colonel at the investigation—since it was evident that he could not have remained under an umbrella throughout the proceedings.

The matter was further complicated—or, as many thought, clarified—by the discovery of Mr. Hamilton's paper of "remarks" written before the duel. In it he had declared that "as well because it is possible that I may have injured Col. Burr . . . as from my general principles . . . I have resolved, if our interview is conducted in the usual manner, and it pleases God to give me the opportunity, to reserve and throw away my first fire, and I have thoughts even of reserving my second fire—and thus giving a double opportunity to Col. Burr to pause and to reflect." The first certainly, and the second perhaps —one fails, somehow, to apprehend the logic of this distinction. And to Mrs. Hamilton he had written that "the scruples of a Christian have determined me to expose my own life to any extent rather than subject myself to the guilt of taking the life of another."

One would not presume to suggest the possibility of Mr. Hamilton's having changed his mind in the bright sunlight of Weehawken, were it not for two letters describing the duel, which, written after the event, are at least entitled to the same consideration as a statement of purpose composed beforehand, no matter with what sincerity of intention.

In the first, Mr. Van Ness replied to an inquiry of Charles Biddle that "the parties took their places; General Hamilton raised his pistol as if to try it, and again lowering it said 'I beg your pardon for delaying you, but the direction of the light sometimes renders

glasses necessary.' He then drew forth his spectacles and put them on. . . . The word 'present' was then given, on which both parties presented. The pistol of General Hamilton was first discharged, and Colonel Burr fired immediately after . . . I can safely declare that I was never more firmly convinced of any fact that came under my observation. On the discharge of General Hamilton's pistol, I observed a slight motion in the person of Colonel Burr, which gave me the idea that he was struck. On this point I conversed with Colonel Burr, when we returned, who ascribed the motion of his body to a small stone under his foot, and added the smoke of General Hamilton's pistol for a moment obscured his sight. . . .

"When I arrived at the boat [after they had left the field] Colonel Burr was just stepping from it. He said to me 'I must go and speak to him.' I replied it would be obviously improper, as General Hamilton was surrounded by the surgeons and bargemen, by whom he ought not to be seen. . . . It is but just to add that Colonel Burr so far from exhibiting any degree of levity . . . or expressing any satisfaction at the result of the meeting, his whole conduct while I was with him was expressive of regret and concern."

In the second letter, Colonel Burr himself informed Mr. Biddle—an old friend of both his and Mr. Hamilton's—that "it is too well known that Gen'l H. had long indulged himself in illiberal freedom with my character. He had a peculiar talent for saying things improper and offensive in such a manner as could not well be taken hold of. On two different occasions, however, having had reason to apprehend that he had

gone so far as to afford me reason for calling on him, he anticipated me by coming forward voluntarily and making apologies and concessions. From delicacy to him and from a sincere desire for peace, I have never mentioned these circumstances, always hoping that the generosity of my conduct would have some influence on his. In this I have constantly been deceived, and it became impossible that I could consistently with self respect again forbear. . . .

"When the parties had taken their places, having their pistols in their hands, cocked. . . . 'Stop,' said Gen'l. H., 'in certain states of the light one requires glasses.' He then leveled his pistol in different directions to try the light. After this, he put on his spectacles and repeated the same experiment several times; he kept on his spectacles and said he was ready. When the word 'present' was given he took aim at his adversary and fired very promptly. The other fired two or three seconds after him and the Gen'l instantly fell exclaiming 'I am a dead man.' Both he and Mr. P. while on the duelling ground appeared a good deal agitated and not to be in a state of mind suitable for observing with accuracy what passed. H. looked as if oppressed with the horrors of conscious guilt. It is the opinion of all considerate men here that my only fault has been in bearing so much and so long. . . ."

9

The matter is perhaps no longer of any particular importance. Whether or not Mr. Hamilton had fired at Colonel Burr—on July 12, he had, through his death, achieved martyrdom.

There arose consequently—and has endured ever since—a sentimental tradition concerning this duel which has set it apart as though it had not been a perfectly normal personal encounter such as occurred constantly in America throughout that era and for many years to come. It is not a question of the propriety of duelling as an institution; at the time concerned it was the accepted and natural method of settling controversies between gentlemen, and a rigorous and enthusiastic practice of the custom was not, some twenty-five years later, to keep Andrew Jackson from the presidential chair. It seems, therefore, somewhat impertinent to criticize Colonel Burr for having aimed at and shot his man under circumstances involving, as far as he had any reason to suppose, a similar risk to himself. As for Mr. Hamilton, one can not, somehow, muster any great degree of admiration for the adversary who accepts conditions which he is not disposed to perform. Colonel Burr was at Weehawken that morning to be shot at by Mr. Hamilton, not to profit from his embarrassing generosity. The duelling code was very strict on this point; the field of honor was a place of scrupulously equal opportunity and peril, of genuine conflict between two men, not a shooting gallery in which one or the other might secure a fortuitous immortality by means of a suicidal sacrifice. The forcing upon an opponent of so distressing and damning a favor might well be considered an insulting and pernicious charity.

If Mr. Hamilton did not wish to fight Colonel Burr, if his principles had convinced him of the iniquity of duelling, he would have done better to have re-

fused the challenge rather than conform to the external requirements of the code and refrain from its obligations. He would have done an infinitely more courageous thing had he maintained his convictions in the face of a scornful society, and preserved himself for the further support of that family on whose behalf Oliver Wolcott was writing to James McHenry, on August 2, that "there is no doubt that the anticipations of our Friend, respecting the consequences of forced Sales to raise Money to discharge $55000 in debts, would be verified. All the property would be sacrificed and his Children deprived of every Memorial of the labour of their illustrious Parent, except his reputation;" so that it was the opinion of a number of "Gentlemen of Fortune" that they "should come forward and pay these debts and provide handsomely for the family. A sum of 100000 Dollars is the amount proposed."

But Mr. Hamilton had his reason for not wishing to evade the semblance of conformity to the code. "To those, who, with me," he wrote in the last paragraph of his "paper" of notes, "abhorring the practice of duelling, may think that I ought on no account to have added to the number of bad examples, I answer that my relative situation, as well in public as private, enforcing all the considerations which constitute what men of the world denominate honour, imposed on me (as I thought) a peculiar necessity not to decline the call. The ability to be in future useful, whether in resisting mischief or effecting good, in those crises of our public affairs which seem likely to happen, would probably be inseparable from a conformity with public prejudice in this particular."

There was the Federalist party; there was the supreme necessity—in Mr. Hamilton's estimation—for Mr. Hamilton's leadership in public affairs, the value of which to the nation would have been impaired by any disparagement of his reputation; and so—if it be true that Mr. Hamilton did not fire at Colonel Burr—in order to safeguard his future career without betraying his scruples, he went to Weehawken and committed suicide. . . .

CHAPTER VI

CORONER'S JURY

I

THE news was known in the city at nine o'clock on the morning of the duel. At that hour a bulletin was posted at the Tontine Coffee House—the Merchants' Exchange where the shipping books were kept—stating that "General Hamilton was shot by Colonel Burr this morning in a duel. The General is said to be mortally wounded." Succeeding hourly bulletins until the moment of death were awaited by large crowds of citizens, in whose minds a deepening consternation nourished an increasing fury. The wrath of the Clintons and Livingstons at the slaughter of the great Federalist chief was magnificent. An inflamed populace, warming itself at the embers of the recent election fires, threatened to burn the Colonel's town house prior to attacking Richmond Hill itself, and left doggerel lampoons upon his doorstep.

"Oh Burr, oh Burr, what hast thou done,
Thou hast shooted dead great Hamilton!
You hid behind a bunch of thistle,
And shooted him dead with a great hoss pistol!"

In the meantime, arrangements were being made for a great state funeral, which took place on Saturday, July 14. The cortege, starting from Mr. Church's home on Robinson Street, to which the body had been conveyed, passed down Beekman and Pearl Streets to Whitehall, and thence to Broadway and Trinity Church; through streets draped in black, accompanied by military escorts, officials of the city and State, deputations from Columbia College and all the civic associations and patriotic societies—including the Tammany Society—to the sound of tolling bells, and muffled drums, and minute guns answered by the English and French frigates in the Bay. Enormous concourses of people viewed the pageant, in the midst of which the friends of Colonel Burr took pains to be seen in respectful attendance; "doors and windows were filled, principally with weeping females, and even the house tops were covered with spectators, who came from all parts to behold the melancholy procession."

At the church Gouverneur Morris pronounced a funeral oration, concerning the difficulties of which he recorded in his diary that he had discussed "the points which it may be safe to touch tomorrow, and those which it will be proper to avoid. . . . The first point of his biography is that he was a stranger of illegitimate birth; some mode must be contrived to pass over this handsomely. He was indiscreet, vain and opinionated; these things must be told . . . and yet . . . in such manner as not to destroy the interest. He was in principle opposed to republican and attached to monarchical government. . . . His share in forming our Constitution must be men-

tioned, and his unfavorable opinion cannot therefore be concealed. . . . All this must, somehow or other, be reconciled. He was in principle opposed to duelling, but he has fallen in a duel.

"I cannot thoroughly excuse him without criminating Colonel Burr, which would be wrong. . . . Indeed . . . when I sent for Colonel Smith . . . I told him—in answer to the hope he expressed that in doing justice to the dead I would not injure the living—that Colonel Burr ought to be considered in the same light with any other man who had killed another in a duel; that I certainly should not excite any outrage on him, but, as it seemed evident to me that legal steps would be taken against him, prudence would, I should suppose, direct him to keep out of the way." The next day, "while moving in the procession, I meditate . . . on what I am to say. I can find no way to get over the difficulty which would attend the details of his death. . . . I must not, either, dwell on his domestic life; he has long since foolishly published the avowal of conjugal infidelity. Something, however, must be said to elicit public pity for his family, which he has left in indigent circumstances."

2

The event was commemorated throughout the country, from Boston to Charleston, with resolutions, processions and ceremonies. And with editorials and eulogies in prose and in verse.

"Oh wo betide ye, Aaron Burr!
May mickle curse upo' ye fa'!

Ye've kill'd as brave a gentleman
As e'er liv'd in America.
Wi' bloody mind ye ca'd him out,
Wi' practis'd e'e did on him draw,
And wi' deliberate, murderous aim,
Ye kill'd the flower o' America . . .
Where'er ye go, O! Aaron Burr!
The worm of conscience ay will gnaw;
Your haunted fancy ay will paint
Your bloody deed in America.
But though ye flee o'er land and sea,
And 'scape your injur'd country's law,
The red right hand of angry Heaven
Will yet avenge America."

No praise of the fallen was too fulsome, no condemnation of the "murderer" too severe. "O America! Veil thyself in black!" the Fredericktown *Herald* proclaimed. "Deep mourns the Eagle, with shattered wing, in some lone spot—its gayest plumage lost. . . . The tears of the aged burst forth—the withered hand trembles in grief—the youthful patriots mourn— Their Chief is fallen! Haste! Even now he bleeds! He dies! Catch the stream that flows from his mighty heart, and pour it in thy veins. . . . Ye hosts of heaven, assemble thy chosen choir—crowd round the celestial throne—raise loud the song of glory—send forth its sound on golden clarions— Behold, a Washington and a Hamilton again in gladness and in triumph meet." Who would believe, the *Commercial Advertiser* marvelled, "that the son of the venerable President Burr . . . that the son of such a man, the second

WILLIAM PETER VAN NESS

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officer in the United States . . . should take a cool and deadly aim against the first citizen of our country —the father of a numerous family—the husband of a most affectionate wife—an ornament to his country and to human nature? Could nothing . . . allay the cool, persevering resentment of his antagonist, but the heart's blood of such a man?"

3

And if, in New York, Mr. Morris had not wished to arouse the popular passions, the press of the city, both Federalist and Republican, was under no such compunction. Even Mr. Coleman, and Mr. Cheetham representing De Witt Clinton—all three of them duellists who had hit or killed their men—turned on Colonel Burr with a savagery of insinuation and accusation which effectually prejudiced the public mind. He had worn silk on the day of the duel to protect himself; he had laughed and rubbed his hands afterwards; he had apologized to his friends because his bullet had not lodged in Mr. Hamilton's heart; he was "a devilish good shot," and he had killed Mr. Hamilton in cold blood. . . .

Mr. Hamilton, the *American Citizen* insisted, had "fallen a victim to a wicked system of deadly hostility, planned by Mr. Burr and his friends and rigidly carried into execution. . . . Nothing short of the Death of Hamilton could glut his vengeance. . . . Wrapt up in himself—to appease his resentment, to gratify his ambition, he is capable of wading through the blood of his fellow citizens." Colonel Burr's friends had "avowed their intention to accomplish . . . by acts of desperation, by spilling the blood of

their fellow citizens, those . . . desirable objects which by other means they could not attain. For some time previous to the late election from twelve to fifteen of these bloody villains assembled together in the night, and, under injunctions of secrecy and pledges of mutual support, planned the diabolical work and selected for destruction those who were viewed as the most formidable obstacles in the way of Mr. Burr's designs. . . . It was their determination to fight their way through a host of opposition which could not in their opinion be subdued without blood."

Mr. Cheetham was positive "that Col. Burr's conduct was the result of predetermined hostility; of a system projected by his adherents and approved by himself," and that "General Hamilton has fallen a sacrifice to the machinations of wicked individuals who had combined to take away his life." That all this was simply a move in the Clintonian campaign against the Tammany Martlings did not occur to a credulous and profoundly shocked citizenry. It listened to Mr. Cheetham—who now, oddly enough, found himself defending that Mr. Hamilton whom, under other political circumstances, he had so bitterly attacked a few years before—it listened in the churches to appropriate if belated condemnations of duelling; and it decided that Colonel Burr was a murderer. The situation was accurately analyzed by John Randolph. "I feel for Hamilton's immediate connections real concern," he told Congressman Nicholson, "for himself nothing; for his party and those 'soi disant' Republicans who have been shedding crocodile tears over him, contempt. The first

are justly punished for descending to use Burr as a tool to divide their opponents; the last are hypocrites who deify Hamilton merely that they may offer up their enemy on his altar. . . . The people, who ultimately never fail to make a proper decision, abhor persecution, and, whilst they justly refuse their confidence to Mr. B., they will detest his oppressors. They cannot, they will not grope in the vile mire of seaport politics not less vitiated than their atmosphere."

It is, perhaps, time that this popular quality should begin to manifest itself. . . .

4

The Colonel had his supporters, of course. In the *Chronicle*, "Vindex" pointed out that "for more than three weeks, during which term a jury of inquest were holding adjourned sittings, the most malignant and unwearied efforts have been daily employed to bias and inflame the minds of that jury, to blacken the character of Mr. Burr, and to jeopardize his life. . . . Do I exaggerate? Peruse the scurrilous columns of the *Evening Post*. Cast an eye over the disgusting pages of the *American Citizen*. Examine the daily effusions of these new associates, these brothers in arms."

From Perth Amboy Commodore Truxtun wrote to Charles Biddle, on July 18, that "if the loss of honor in any case between man and man will justify the practice of duelling . . . surely the ground of Burr's correspondence with Hamilton must be admitted as one of these cases, and if men and soldiers

once go to the field there ought to be no trifling, and this I should be gratified in having an opportunity of showing Robert Smith (the apology for a Secretary of the Navy) but he shelters himself behind the embrasures of his office where he will lie skulking until he is pop'd into another skulking place still more secure—the seat of Judge Chase." And on July 26, "there is the devil to pay in this city about the late duel. . . . I never knew a business of this kind so treated in any part of the world. . . . I regret the event as much as any man . . . but as . . . there is no doubt but that the duel was a fair one . . . why this abominable persecution? I detest and despise it."

And on July 18 Colonel Burr himself had told Mr. Biddle that "you will remark that all our intemperate and unprincipled Jacobins who have been for years reviling H. as a disgrace to the country and a pest to society are now the most vehement in his praise. . . . The last hours of Gen'l H. (I might include the day preceding the interview) appear to have been devoted to malevolence and hypocrisy. All men of honor must see with disgust the persecutions which are practised against me. Among other unusual steps, a Coroner's Jury has been called and will meet for the fourth time this evening. The object is to procure an inquest of murder which will probably be effected, although the transaction took place in another State. Upon such an inquest a warrant may issue to apprehend me and if I should be taken bail would probably be refused. The friends of Gen'l H. and even his enemies, who are still more my enemies, are but too faithful executors of his malice."

The Colonel had no laurels to lay upon the grave of his late rival. . . .

5

Colonel Burr remained closely secluded at Richmond Hill, visited only by his most intimate friends, awaiting the result of the legal procedure against him. There had been no such outcry when Brockholst Livingston had killed Mr. Jones; no such assiduous regard for the duelling laws when the District Attorney, Mr. Riker, and the Mayor, Mr. Clinton, had engaged in similar, though not fatal encounters; no such determined investigation when Captain Thompson had been found dying upon the field of honor in Love Lane—but now a Clintonian civic administration was crying murder at the top of its lungs and experiencing the most solemn concern in the sanctity of the laws of the State of New York, which, it might have been pointed out, had not been broken, since the duel had taken place in New Jersey.

"The event of which you have been advised," the Colonel told Mr. Alston, "has driven me into a sort of exile, and may terminate in an actual and permanent ostracism. . . . You know enough of the temper and principles of the generality of the officers of our State government to form a judgment of my position." A coroner's jury was sitting, summoned time after time in the endeavor to arrive at an agreement, and encountering the greatest difficulty in the assembling of reliable information. Even the boatman who had rowed Colonel Burr over to Weehawken refused to testify—perhaps he had been financially persuaded—and Matthew Davis, "Little Mercury,

who was never known to be silent for a moment, is now in the Bridewell for holding his tongue."

It was evident, however, that the jury would in all probability bring in the desired verdict, and on July 27 the *American Citizen* discovered that "Mr. Burr has at length 'abdicated' the State. He made his escape on Saturday night last." Accompanied by Samuel Swartwout, and his negro boy Peter, the Colonel had had himself rowed down to Perth Amboy, where, early on the morning of July 22, he walked into the home of his friend, Commodore Truxtun. On July 23, he went to Cranberry, and thence by deserted roads to the house of Charles Biddle at Philadelphia. "From Amboy," the Trenton *Federalist* announced, "he was carried by some friend to Cranberry and thence conveyed in a light waggon, crossing the Delaware at Lamberton ferry, to Bristol, in Pennsylvania. . . . How degrading to the majesty of government that its second officer should thus be under the real or fancied necessity of travelling with studied privacy, through bye-roads, and in unusual vehicles. . . . It manifests some deference to public opinion, and the energy of the laws. . . . The honour of New Jersey demands that its shores should no longer be made places of butchery for the inhabitants of New York and Pennsylvania."

From Philadelphia the Colonel wrote to Theo that "I absent myself from home merely to give a little time for passion to subside, not from any apprehension of the final effects of proceedings in courts of law. They can, by no possibility, eventually affect my person. You will find the papers filled with all manner of nonsense and lies. Among other things,

accounts of attempts to assassinate me. These, I assure you, are mere fables. Those who wish me dead prefer to keep at a very respectful distance. No such attempt has been or will be made. I walk and ride about as usual." A little optimism was necessary, for Theo was in a tremendous state, and perhaps a little reproachful; at all events, on August 2, he begged her not to "let me have the idea that you are dissatisfied with me a moment. I can't just now endure it. At another time you may play the Juno if you please."

6

And on August 2, the coroner's jury in New York—one of the members of which, oddly enough, was named Isaac Burr—did "upon their oath, say that Aaron Burr . . . not having the fear of God before his eyes, but being moved and seduced by the devil on the eleventh day of July . . . with force of arms, in the County of Bergen and State of New Jersey, in and upon the said Alexander Hamilton, in the peace of God and the people of the State of New Jersey, then and there being feloniously, wilfully and of his malice aforethought, did make an assault; and that the said Aaron Burr a certain pistol of the value of one Dollar charged and loaded with gunpowder and a leaden bullet which he the said Aaron Burr then and there had and held in his right hand to, at and against the right side of the belly of the said Alexander Hamilton, did then and there shoot off and discharge; by means whereof, he, the said Aaron Burr, feloniously, wilfully and of malice aforethought did then and there give unto him, the said Alexander

Hamilton, with the leaden bullet aforesaid, shot off and discharged out of the pistol aforesaid by the force of the gun powder aforesaid, upon the right side of the belly of him, the said Alexander Hamilton, a little above the hip, one mortal wound penetrating the belly of him, the said Alexander Hamilton, of which said wound he, the said Alexander Hamilton, from the said Eleventh day of July . . . until the twelfth day of July . . . did languish and languishing did live, on which twelfth day of July . . . of the mortal wound aforesaid died."

And the jury said further that "William P. Van Ness . . . and Nathaniel Pendleton . . . at the time of committing the felony and murder aforesaid, feloniously, wilfully and of their malice aforethought were present, abetting, aiding, assisting, comforting and maintaining the said Aaron Burr to kill and murder the said Alexander Hamilton in manner aforesaid. And so . . . the said Aaron Burr, and the said William P. Van Ness and Nathaniel Pendleton, him, the said Alexander Hamilton, in manner and by the means aforesaid, wilfully and of their malice aforethought, did kill and murder against the peace of the People of the State of New York and their dignity."

Two weeks later, the Grand Jury brought in a presentment for misdemeanor for the sending of a challenge, since no indictment for murder could be found in New York State. Fearing a demand by Governor Lewis to the Governor of Pennsylvania for his person, Colonel Burr left Philadelphia, still with Samuel Swartwout and Peter, and went to St. Simon's Island, in Georgia, where he was hospitably entertained in the homes of John Couper

and Major Pierce Butler, Senator from South Carolina. In September—after the terrible hurricane of 1804 which planted one of Mr. Jefferson's gunboats in a cornfield eight miles from her anchorage, to the great delight of the Federalists—the Colonel went to Florida; in October, he was at Savannah, being serenaded with bands; and then for a while he visited the Alstons on the Waccamaw, having journeyed more than four hundred miles along the inland waterways in a canoe.

The return north was hastily accomplished through Federalist North Carolina, but he was cordially received in Virginia—in spite of anything he might have said about New England separation—and he was in Washington for the new session of Congress. Not long before, a Grand Jury in Bergen County, New Jersey, had at last brought in an indictment against him for murder. . . .

CHAPTER VII

THE HIGH COURT

I

VICE PRESIDENT BURR found important matters awaiting his attention in the Senate.

In May, 1803, Justice Samuel Chase of the Supreme Court, at the close of a charge to the Grand Jury at Baltimore, had delivered a political oration attacking the repeal of the Judiciary Act and certain changes in the Constitution of Maryland, his native State. The Judge was notorious for his ill-tempered tirades from the bench, and his arbitrary behavior had been loudly criticized, especially as manifested in his conduct of the trials of Thomas Callender for libel, and of John Fries for sedition. Mr. Jefferson, who could not abide Judges, saw an opportunity to strike at the Federal Judiciary and wrote to Congressman Joseph Nicholson asking him whether "this seditious and official attack on the principles of our Constitution and on the proceedings of a State" ought to go "unpunished." However, Mr. Jefferson merely asked these questions for Mr. Nicholson's consideration, as for himself, "it is better that I should not interfere."

But Mr. Nicholson was not disposed to pull Mr. Jefferson's chestnuts out of the fire; instead, the erratic and monumentally egotistical John Randolph was chosen for the task. In January, 1804, he secured from the House the appointment of a committee of inquiry; on March 6, a resolution to impeach Judge Chase was reported to, and, on March 12, adopted by the House; and on March 13, Mr. Randolph and Congressman Early appeared at the bar of the Senate to inform that body that the House would shortly exhibit articles of impeachment against the Judge for high crimes and misdemeanors. The affair was, however, postponed until the following winter, and on December 7, 1804, Mr. Randolph and the Managers from the House presented themselves at the bar to read the articles; the trial was opened on January 2, 1805, before the Senate sitting as a High Court of Impeachment under the presidency of Colonel Burr; and another postponement until February 4 was immediately granted in order to permit the accused to select counsel.

2

It was not the first time that Mr. Jefferson had had a Judge impeached, or that the Vice President had conducted a High Court in the Senate.

In February, 1803, Mr. Jefferson had transmitted certain complaints against Judge John Pickering, of New Hampshire, to the House, "to whom the Constitution has confided a power of instituting proceedings of redress if they shall be of opinion that the case calls for them." It finally dawned on the House what was intended. The documents revealed that Judge Pick-

ering had released, without sufficient evidence, the ship *Eliza*, which had been libelled by the Surveyor of Customs; and that "John Pickering, being a man of loose morals and intemperate habits," appeared continually on the bench "in a state of total intoxication, produced by the free and intemperate use of inebriating liquors; and did then and there frequently, and in a most profane manner, invoke the name of the Supreme Being, to the evil example of all good citizens of the United States."

The House adopted a resolution of impeachment which Congressmen Randolph and Nicholson brought to the bar of the Senate on March 3, 1803. The trial began on March 2, 1804, but Judge Pickering was not present, since, as had for some time been known, the unfortunate gentleman was insane. "It has occurred to me," Congressman Harper informed Colonel Burr, on March 5, "that the Court of Impeachment . . . may be desirous of seeing the evidence intended to be adduced, in support of the suggestion of Judge Pickering's insanity. . . . If you have no objection, my dear Sir, to receive such a letter as the above, and to present it with the papers to the Court, I will send them in. . . . It is my wish that in case the court should refuse to hear the suggestion of Insanity, it may hereafter appear that they did so with proof of the fact before them."

The Vice President naturally complied with this request; Mr. Harper was permitted—not as counsel for the insane defendant, but as a representative of his son—to plead for a postponement; the Managers for the House refused to listen to his testimony; and the trial proceeded, on the grounds maintained by

the Managers that insanity was not a bar to impeachment. And so, without counsel to defend him and on *ex parte* evidence, an insane man was declared guilty "as charged" by the Senate of the United States, by a vote of nineteen to seven. Out of a body of thirty-four, only twenty-six of whom cast their ballots, nineteen men contrived to place in the annals of the Senate the record of one of the most disgraceful proceedings ever carried through within its walls.

As for the Vice President—the House had ordered a High Court of Impeachment; its Managers were determined to achieve the administration's purpose; it was his duty to preside, whatever the outcome in which he took no part. "To the credit of Mr. Burr," the Reverend Mannesseh Cutler wrote, "every final arrangement was made, and the court was opened with much dignified solemnity. . . . This trial, as far as respects mere forms, has been conducted with much dignity and solemnity. This is wholly due to Mr. Burr. He presided in the Senate in a manner which reflects much honor as a man of taste and judgment."

3

And now, in January, 1805, the Senate was again assembled in High Court of Impeachment; or rather, awaiting the reopening of the trial of Judge Chase after postponement. And if Mr. Jefferson was to secure a verdict compatible with his desires there was a great deal to be done. The nine Federalist Senators were of course opposed to the procedure, which it was generally believed arraigned, not only the de-

fendant, but the whole corps of Federal Justices, including John Marshall himself—if one went, pretexts would be found against them all. The twenty-five Republican Senators, embittered by the current Yazoo controversy to which John Randolph had been giving so much of his time, were a divided camp; a vote of twenty-three was necessary for conviction, and at least five Republicans could not be counted on. One of them, Senator Smith, of Ohio, was extremely liable to be influenced by the Vice President. . . .

Which was perhaps the reason why Senator Plumer was able to write that "this is the first time, I believe, that ever a Vice President appeared in the Senate the first day of a session; certainly the first (God grant it may be the last) that ever a man indicted for murder presided in the American Senate. We are indeed fallen upon evil times. To a religious mind, the aspect of public affairs is veiled in darkness. The high office of President is filled by an infidel; that of Vice President by a murderer. . . . Colonel Burr seems determined to brow-beat and cajole public opinion. The Federalists treat him with very great coldness. Those from New England do not visit him. In the Senate chamber, I make a very formal bow as he passes me, but hold no conversation with him. His manners and address are very insinuating. Mr. Jefferson has shown him more attention, and invited him oftener to his house, within the last three weeks, than he ever did in the same time before. Mr. Gallatin has visited him often at his lodgings, and one day was closeted with him for more than two hours. Mr. Madison, formerly the intimate friend

of Hamilton, has taken his murderer into his carriage . . . The Democrats of both Houses are remarkably attentive to Burr."

The Federalists would have nothing to do with the Colonel, and had been curious to know "whether that —— Burr will have the audacity to take his seat in the Senate, and if he does, how he will be received. . . . Can they submit to the degradation of a man under the legal imputation of murder . . . will not an impeachment be moved against him in your house?" But the Republicans were most attentive. In November, for instance, eleven Republican Senators, acting in concert with Mr. Biddle and Mr. Dallas, had addressed to Governor Bloomfield of New Jersey an appeal stating that they were filled with "sensibility and concern" over the indictment in Bergen County, as the result of a duel, "every circumstance attending which was marked with all the etiquette and fairness usually observed among gentlemen upon similar occasions." They begged leave to call attention to two cases "which have occurred in the same county within a few years past . . . the first, the case of Mr. Livingston and Mr. Jones; the other, the case of Mr. Eaker and the younger Mr. Hamilton. We are informed that no judicial proceedings were had in either of these cases, and that shortly after the unfortunate fate of Mr. Jones, Mr. Livingston was promoted to one of the highest judicial offices in the State of New York. . . .

"These cases demonstrate . . . that the same rules of judicial proceedings have not been applied to different persons in similar situations. . . . Nor

can we help remarking in the present case, that although . . . the laws of New Jersey make no difference between the offences of principal and second in the event of death by a duel, and although the seconds are as well and generally known as the surviving principal, yet as far as we are informed no judicial proceedings have been had against either of them. . . . We are constrained to express our regret that the same rule should be so unequally applied to different individuals in similar circumstances."

The Senators were perfectly right—in New York, the seconds had been disfranchised for twenty years—and while no official action was taken by the Governor, the Bergen County indictment was not heard of again. . . .

And aside from his dinners, and the courtesies of his Cabinet officers, Mr. Jefferson seemed inclined to please Colonel Burr in other ways. Not many months before, he had refused to accord him any mark of esteem; but now Mrs. Burr's brother-in-law, Doctor Brown, was suddenly picked to be Secretary of the Territory of Louisiana; the Colonel's step-son, John Prevost, was selected as Judge of the Superior Court at New Orleans; the President of the Senate's friend, General Wilkinson, was chosen Governor of Upper Louisiana. Very curious, these appointments to Louisiana, and, as may subsequently appear, perhaps doubly significant. More especially as they were ratified *after* the impeachment proceedings against Judge Chase had failed, with Senator Smith of Ohio voting for acquittal on most of the articles. . . .

4

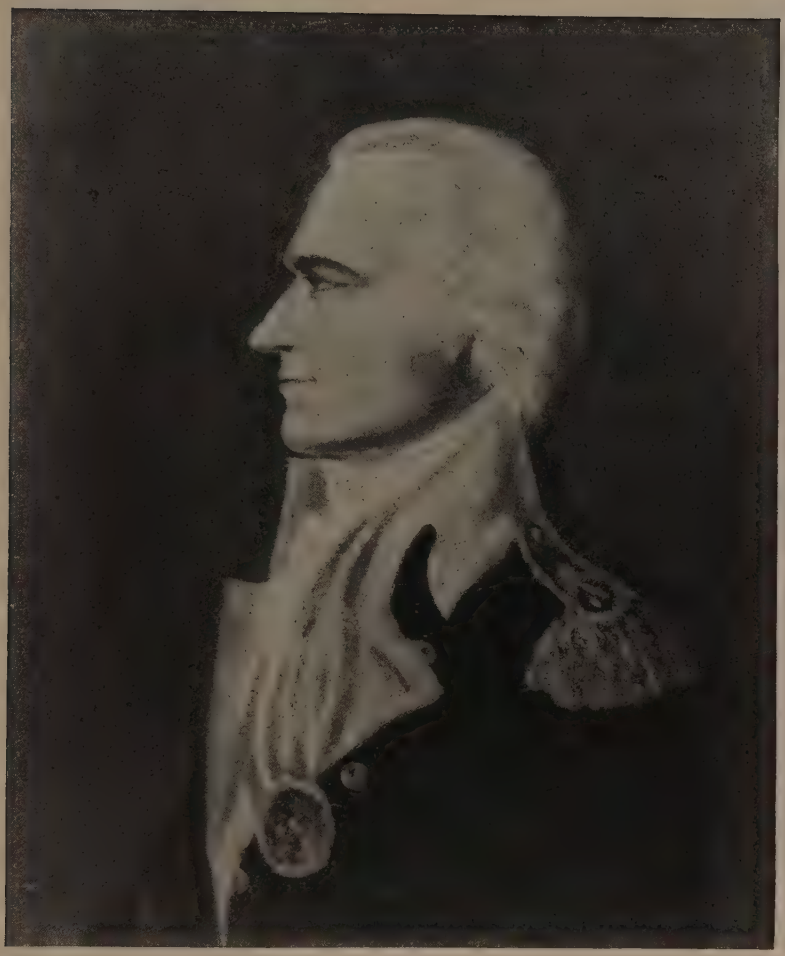
The High Court reassembled, on February 4, 1805, under circumstances of considerable pomp, not wholly uninfluenced, perhaps, by the splendors exhibited not so long before in London, at the trial of Warren Hastings before the House of Lords. Although the resources of the Senate, whether in architecture or imagination, were scarcely comparable to those of the Hall of Westminster. To the right and left of the Vice President's seat, crimson benches had been placed for the Senate, while on either side boxes trimmed in blue were provided for the Managers and for the accused and his attorneys. Three rising rows of benches, ornamented with green cloth, were at the disposal of Congressmen, government officials and foreign Ministers, while above these a temporary semicircular gallery, also in green, accommodated the ladies of Washington, large numbers of whom availed themselves of this privilege. The walls were draped with red and green hangings.

In these possibly unnecessarily festive surroundings, John Randolph, on February 9, opened the trial for the Managers. The arraignment of Judge Chase before this tribunal, was, he thought, "one of the saddest spectacles ever presented to the view of any people. Base indeed must be his heart who could triumph over such a scene." It is not clear whether Mr. Randolph was referring to the Court, the impeachment, or the hangings. At all events, the Judge was charged with a number of "high crimes and misdemeanors" relating to his past judicial behavior, including the speech to the Baltimore jury,

to say nothing of his condemnation of John Fries, by pardoning whom President Adams had not suffered "the pure ermine of justice" to be dyed with his blood. Aside from that, Mr. Randolph made a number of mistakes in his law, and had difficulty in establishing the offences alleged as impeachable in the first place. The other Managers were not impressive.

In the blue box reserved for his counsel, Judge Chase had, on the other hand, a remarkable assemblage of lawyers. With Robert Harper, Charles Lee and Philip Key were the extraordinarily talented Joseph Hopkinson, and the great, florid, bulldozing Luther Martin—to whose oratory Colonel Burr was to listen, not many months later, with a quite peculiar interest. These gentlemen seemed to have the better of it over the adjacent boxful from Congress. Very damaging testimony against the Judge was introduced, except that the "crimes" it corroborated could not be found upon the statute books, and they could only with arduous effort be brought under the jurisdiction of the Constitution; Mr. Randolph did a good deal of promiscuous bragging; and finally they were summing up.

Mr. Martin read Mr. Randolph a lecture on the law of Virginia, and informed the Court that "if, Sir, judges are to be censured for possessing legal talents, for being correctly acquainted with the law in criminal cases, and for not suffering themselves to be insulted, and the public time wasted, by being obliged to hear arguments of counsel upon questions which have been repeatedly decided and on which they have no doubt—I pray you let not our courts of justice be disgraced, nor gentlemen of legal talents



ALEXANDER HAMILTON

Now reproduced for the first time from an original portrait in the possession of Miss Sarah W. MacConnell. The artist, a German officer, came to the United States in 1803 with letters of introduction to Alexander Hamilton who gave him sittings for this portrait. In 1835 the portrait was presented by the artist to Miss MacConnell's grandfather, Edward Hamilton Cumming, Esq.

and abilities be degraded by placing them on the bench under such humiliating circumstances; but let us go to the corn fields, to the tobacco plantations, and there take our judges from the plough and the hoe. We shall there find men enough possessed of what seems to be thought the first requisite of a judge, a total ignorance of the law"—with a bow, no doubt, to Mr. Randolph. As for the use of the word "damned" by Judge Chase, Mr. Martin observed that "I cannot apprehend it will be considered very offensive . . . on this side of the Susquehanna. To the Southward of that river it is in familiar use, generally introduced as a word of comparison . . . frequently connected with subjects the most pleasing."

To all of which, and a great deal more, Mr. Randolph tried to answer, on June 27. He was ill, he was exhausted, he was unprepared; he complained of his condition, he made vicious remarks about his opponents, he garbled his facts and mangled his law; and finally, as recorded by Senator John Quincy Adams, he collapsed "with much distortion of face and contortion of body, tears, groans and sobs," and felicitated the gathering on the last day of his sufferings and theirs. On March 1, Judge Chase was pronounced not guilty on all eight charges, and the Vice President announced that "there not being a Constitutional majority on any one article, it becomes my duty to pronounce that Samuel Chase, Esquire, is acquitted on the Articles of Impeachment exhibited against him by the House of Representatives."

Mr. Randolph went back to the House and offered

as a Constitutional amendment that "the judges of the Supreme and all other courts of the United States shall be removed by the President on the joint address of both Houses of Congress." Mr. Randolph was evidently very angry. Colonel Burr left the High Court with the knowledge that he had behaved with meticulous dignity, and with impressive impartiality. They had been angry with him at first when he censured their behavior, and rebuked them for walking around eating apples and cake, so that Senator Plumer wrote in his diary that "really, Master Burr, you need a ferule or birch to enforce your lectures on polite behavior;" but before the close of the trial the Federalist Senator was admitting that "Mr. Burr has certainly, on the whole, done himself, the Senate and the Nation honor by the dignified manner in which he has presided over this numerous court."

Colonel Burr was always at his best, perhaps, in situations demanding poise and presence; in circumstances the nature of which afforded him the unavoidable restraint of an exalted occupation. . . .

5

But on March 2, 1805, the circumstances of the High Court no longer existed—they were dismantling the blue boxes and the green gallery—and two days later Colonel Burr was to be deprived of all official occupation.

He had already, on February 13, with what private sensations can only be imagined, presided over the joint meeting of both Houses in the Senate chamber, summoned to witness the counting of the presidential

electoral vote of 1804. "Both branches of Congress met at noon," Senator Mitchill reported, "and the tellers being seated at a table in the midst, Mr. Burr broke the seals of the parcels one by one, and handed them to the tellers. It appeared on counting that Mr. Jefferson is re-elected, and Mr. Clinton is chosen Vice President for the same term. I think Colonel Burr had a painful duty to perform. He had been the receiver of the votes which made no mention of him for either of the great offices he had been looking to; he now opened the parcels containing them, and handed them to the tellers; he received from the tellers the result of the election; and finally he proclaimed Jefferson and Clinton duly chosen President and Vice President of the United States.

"And, hard and trying as such a task must have been to a man of his keen sensibility, and to one who feels that the most outrageous wrongs have been done him, he really acted his part with so much regularity and composure that you would not have seen the least deviation from his common manner, or heard the smallest departure from his usual tone. . . . He has been some years disciplined in the school of adversity, and really has learned to behave like a stoic. All the difference I discerned was that he appeared rather more carefully dressed than usual. He will soon be out of office, and two prosecutions for his duel with Hamilton threaten him with trouble."

They were all watching him like ferrets that day—and on March 2 he again controlled their wholly absorbed attention.

The doors were closed, the Senate was in executive session, when the Vice President arose. He had, he

informed Gentlemen, intended to pass the day with them, but a slight indisposition had determined him to take his final leave. Gentlemen leaned forward, and listened. "Every gentleman was silent," Senator Mitchill wrote, "not a whisper was heard, and the deepest concern was manifested." The Vice President apologized for any offence which his conduct in the chair might have caused to individual members; he reminded them that a prudent impartiality had been his purpose, and exhorted them to a constant observance of the rules of decorum which had hitherto dignified their deliberations; he bade them farewell with regret, and with the assurance of unfailing respect and solicitude. He had not prepared anything, he wrote Theo afterwards, "it was the solemnity, the anxiety, the expectation and the interest which I saw strongly painted in the countenances of the auditors, that inspired whatever was said."

And he told the Senate that "this House, I need not remind you, is a sanctuary; a citadel of law, of order and of liberty; and it is here . . . will resistance be made to the storms of political frenzy and the silent arts of corruption; and if the Constitution be destined ever to perish by the sacrilegious hands of the demagogue or the usurper, which God avert, its expiring agonies will be witnessed on this floor." He bowed, and then "he descended from the chair, and in a dignified manner walked to the door, which resounded as he with some force shut it after him."

The door slammed behind him; solitary and superb, Colonel Burr had passed into the shadow of a somber destiny. . . .

6

The Senate was in tears. "He did not speak to them, perhaps, longer than twenty minutes or half an hour," Senator Mitchill noted, "but he did it with so much tenderness, knowledge and concern that it wrought upon the sympathy of the Senators in a very uncommon manner. . . . There was a solemn and silent weeping for perhaps five minutes.

"For my own part, I never experienced anything of the kind so affecting me as this parting scene of the Vice President from the Senate in which he had sat for six years as a Senator and four years as a presiding officer. My colleague, General Smith, stout and manly as he is, wept as profusely as I did. He laid his head upon his table and did not recover from his emotion for a quarter of an hour or more. And for myself, though it is more than three hours since Burr went away, I have scarcely recovered my habitual calmness. . . . He is a most uncommon man, and I regret more deeply than ever the sad series of events which have removed him from public usefulness and confidence. . . . Burr is one of the best presiding officers that ever presided over a deliberative assembly. Where he is going or how he is to get through with his difficulties I know not."

It was not all hysteria; the sympathetic response to a stirring moment, to the dramatic passing of a figure erect in misfortune, pursued by controversy, burdened with strife, fraught with uncertain doom. A high chair was empty in the Senate chamber; a presence full of dignity and grace was departed; there was gone from them the spell of a compelling person-

ality, of an exceptional talent, of a vast fascination. . . .

After a while, when they had recovered a little, they sent him a resolution setting forth that it had been "resolved unanimously, that the thanks of the Senate be presented to Aaron Burr, as testimony of the impartiality and ability with which he has presided over their deliberations, and of their entire approbation of his conduct in the discharge of the arduous and important duties assigned to him as President of the Senate." And they would have given him the franking privilege, but the House did not concur.

And to their courtesy he replied that "next to the satisfaction arising from a consciousness of having discharged my duty, is that which is derived from the approbation of those who have been the constant witnesses of my conduct, and the value of this testimony of their esteem is greatly enhanced by the promptitude and unanimity with which it is offered. I pray you to accept my respectful acknowledgments, and the assurance of my inviolable attachment to the interests and dignity of the Senate."

He was just forty-nine; there were against him two prejudiced indictments, one of which prevented a return to New York; his beloved Richmond Hill had been sold on behalf of his creditors; his daughter was far away; his political career in the North was terminated; he was insolvent and ridden with debts. A restless, vagrant, embittered man, resentful of many grievances, regretful, perhaps, of many past enterprises, conscious of many forfeited hopes.

What was he to do, where was he to go, how was he to get through with his difficulties. . . .

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